LEGISLATIVE COUNCIL

Thursday, 20 November 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:22 and read prayers.

Petitions

WILLUNGA HILL AND MYPONGA

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 402 residents of South Australia, concerning road safety on Pages Flat Road between Willunga Hill and Myponga, requesting the council to urge the state government to:

1. Address the unworthy state of the Pages Flat Road between Willunga Hill and Myponga;

2. Assign funding to bituminise the road shoulders;

3. Undertake a study on the suitability of the 100 kph speed limit; and

4. Undertake an audit on the general safety of the road.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Report of the Ombudsman SA Audit of State Government Agency Complaint Handling.
Reports, 2013-14—
City Councils—
Campbell town
Port Augusta
District Council—
Tatiara

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Reports, 2013-14—
Across Government Asbestos Risk Reductions
Administration of the Retirement Villages Act 1987
Child Death and Serious Injury Review Committee
Department for Communities and Social Inclusion
Department of Environment, Water and Natural Resources
Department of Planning, Transport and Infrastructure
Dog Fence Board
Education and Early Childhood Services Registration and Standards Board of South Australia
Harbors and Navigation
Kingston Robe Health Advisory Council Inc
National Health Funding Pool
Native Vegetation Council
South Australian Housing Trust
South Australian Multicultural and Ethnic Affairs Commission
South Australian Rail Access Regulation
Surveyors Board SA
Tarcoola-Darwin Rail Regulation
Teachers Registration Board of South Australia

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Reports, 2013-14—
South Australian Water Corporation
Technical Regulator Plumbing
Ministerial Statement

CLEAN ENERGY SUMMIT

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:24): I table a copy of a ministerial statement relating to the Clean Energy Summit made by the Premier, the Hon. Jay Weatherill.

CHINA-AUSTRALIA LEADERS FORUM

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25): I table a copy of a ministerial statement relating to the China-Australia Leaders Forum made by the Premier, the Hon. Jay Weatherill.

SERVICE SA

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25): I table a copy of a ministerial statement made by the Hon. Susan Close relating to the disruption to licence and registration renewals.

MARINE PARKS

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:25): I seek leave to make a ministerial statement on the topic of marine parks regional impact assessment statements.

Leave granted.

The Hon. I.K. HUNTER: On 18 September 2014, the government committed to completing regional impact assessment statement processes for Port Wakefield, Ceduna and Kangaroo Island to assess the implementation of marine park sanctuary zones. These assessment statements will investigate any social or economic effects on these areas which may result from sanctuary zones, which came into full effect on 1 October 2014. The statements will be completed by 1 October 2015. However, information will be considered as it becomes available and, if any areas of concern are identified, the government will immediately address it rather than waiting until the end of the assessment process.

I am pleased to announce that the South Australian Centre of Economic Studies has agreed to undertake the assessment of socioeconomic data, including unemployment rates, household income and coastal property prices. In addition, it will model some of the regional flow-on socioeconomic effects. The centre's work will be incorporated into the broader regional impact assessment statement coordinated by the Goyder Institute for Water Research. Goyder is recognised nationally as an independent source of expert scientific advice.

In addition, the South Australian Research and Development Institute (SARDI) will undertake work on fisheries' catch data to assess impacts to commercial fishers. Other assessment areas, such as the ecological and environmental components, park visitation rates and regional surveys will be undertaken by the Department of Environment, Water and Natural Resources.

To ensure community confidence in the final regional impact assessment statement, Goyder will engage an independent expert to peer review all three regional impact statements. An across-agency working group, consisting of representatives from Primary Industries and Regions SA, the Department of State Development and the Department of Environment, Water and Natural Resources, will liaise with Goyder in preparing that statement.

The impact assessment process will also investigate the positive opportunities that may arise from marine parks, such as marine-related businesses and other land-based regional initiatives. In addition to the research and data collection, information will be sought from community members and key stakeholders over the next few months about any changes in their circumstances that are attributable to marine parks.

I reiterate that the government recognises the importance of striking the right balance between supporting regional communities and businesses and protecting our marine environment, and this work will help us assess whether we are achieving that balance.

The results of the three regional impact assessments will be delivered by the Goyder Institute for Water Research to myself and the Minister for Regional Development in the other place. The assessments will be used to inform the marine parks monitoring, evaluation and reporting program and the future review of the marine park management plans, which have been brought forward to commence in this term of government.

CARDIOTHORACIC INTENSIVE CARE REVIEW

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): I would also like to table a copy of a ministerial statement entitled 'Cardiothoracic intensive care external review 12-months progress report' made by the Minister for Health in the other place.

The Hon. S.G. WADE: Point of order.

The PRESIDENT: The Hon. Mr Wade.

The Hon. S.G. WADE: In tabling a ministerial statement made in the other place, the Minister for Health also tabled a report. I ask the minister to also table the report in this place.

The PRESIDENT: Minister, do you have the report?

The Hon. I.K. HUNTER: No. I have no intention of carrying out that function, sir.

The Hon. S.G. WADE: Point of order, Mr President. I ask you as President to consider this matter and perhaps consult with the relevant ministers. If we are being provided with a ministerial statement which has been provided in the other place and which is in support of a detailed report, the members of this house have every entitlement to see that ministerial statement in context as much as the House of Assembly.

The PRESIDENT: The photographer up in the gallery, what is your intention? You are supposed to take photos of people on their feet. If you want to take a general photo, let me know beforehand. Do not come into this place and take photos when I do not know what you are doing. Do you understand me? In relation to the point of order, my advice, minister, is that, if you are quoting from a document, you have an obligation to provide the report.

The Hon. I.K. HUNTER: I am suitably chastised and will make sure I do so in the future.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: Mr President, I ask you to ask the minister to give an undertaking that he will have this report tabled in this house at the earliest convenience.

The PRESIDENT: I thought he just gave an undertaking, but minister?

The Hon. I.K. HUNTER: I will do my absolute utmost, but of course it has been tabled in the other place and is publicly available.

Question Time

DOMESTIC VIOLENCE

The Hon. J.M.A. LENSINK (14:30): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question regarding the government's domestic violence policies.

Leave granted.

The Hon. J.M.A. LENSINK: The South Australian government launched its A Right to Safety strategy in December 2011 and, referring directly to the Office for Women website, the strategy reaffirms the government's commitment to reducing violence against women as follows:

> Early intervention work focused on preventing violence through to community education and awareness, as well as improving service responses to women experiencing violence.

During the inquest into the death of Chloe Valentine it was disclosed that Families SA was aware that Chloe Valentine's mother, Ashlee Polkinghorne, was in a relationship with a convicted violent offender, yet it failed to intervene because it wanted to protect the offender's privacy. Families SA stated that disclosure of this information would have breached departmental confidentiality protocols. My questions to the minister are:

1. Has she raised any concerns following the publication of this information?

2. Is this Families SA policy consistent with the government's A Right to Safety strategy?

3. Can the minister explain why the rights of an individual's privacy, being a convicted violent offender, took priority over the safety of a woman and her child?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:32): I thank the honourable member for her most important question. This government has taken on the issue of domestic violence in a very serious way, and we have had a very active agenda around not only the prevention of domestic violence but also intervention to try to prevent domestic violence occurring in the first place, and to address those issues that underpin domestic violence, such as discrimination against women and the devaluing and disrespecting of women and girls.

I know I have spoken in this place on numerous occasions around the work that this government has done on the family safety framework, introducing it and rolling it out to all regions, a type of case management system that targets services around women who are assessed to be at high risk. We have also implemented a senior research officer in the Coroner's Court who expressly looks at domestic violence and domestic violence-related issues. We have introduced collaborations, which are an opportunity for the development of local regional prevention strategies in response to women experiencing domestic violence, rape, sexual assault and homelessness related to violence.

We have introduced a number of workplace domestic violence policies, which I have talked about in this place before, and of course recently taking a stand as a whole-of-government response to the findings of the State Coroner's inquest into the very tragic death of Zahra Abrahimzadeh. That introduced a number of new initiatives.

It introduced initial funding for a women's domestic violence court assistance service, which will meet in 2015, and will provide a greater level of support within the court system for victims of violence by providing assistance to help women deal successfully with court systems and increase their access to support. Legal officers will also provide support and advocate and advocate on behalf of women who may have difficulty applying for an intervention order or reporting a breach of an intervention order. The service will be free and obviously confidential.

We have also introduced an early warning system. The state government will introduce a system which will provide a circuit breaker in instances where a domestic violence service provider does not believe that appropriate responses to clients' needs have been received. This position will be placed in MAPS, where an across-government response to domestic violence is being coordinated. So, that should help address problems when they occur in a much more timely way.

We have also announced White Ribbon accreditation across our government agencies. I have also spoken in this place on several occasions on intervention orders and how useful they have been, and proposed changes to those. We want to strengthen elements around intervention orders where family orders exist, and in other areas, particularly for women who are trapped in lease obligations and where there are intervention orders in place. We are looking at offering greater

protections to enable women not to escape their lease requirements but to be afforded better protection.

In relation to the specific case that the Hon. Michelle Lensink raises, an across-government response has been formulated, where all of government have worked at looking to formulate a response and address the tragic instances that the member cites and that have been reported in the media recently. I am well aware of the considerations that have been incorporated into that response. There are issues around confidentiality that have to be taken into consideration as well, and I know that minister Rankine is doing everything in her power to address those issues and to ensure that safe and quality services are provided for those children who need them.

DOMESTIC VIOLENCE

The Hon. J.M.A. LENSINK (14:38): I have a supplementary question arising out of the minister's response that there will be an all-of-government response: does she anticipate that, in future, information about any convicted violent offender may well be relayed to some of the agencies relating to the Office for Women and the projects that they undertake to try and better protect women and children?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:38): I thank the member for her question. What this government seeks to do is to ensure that all relevant and available information is made available in the most timely way possible, and we seek to work to those ends. There are obviously a range of very complex issues surrounding that, but that is our aim.

LEGISLATIVE COUNCIL PRESIDENT

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): I seek leave to make a brief explanation before asking you, the President, a question about maintaining the honour of the Legislative Council.

Leave granted.

The Hon. D.W. RIDGWAY: Mr President, you would be aware that in May this year I referred some information to the Royal Commission into Trade Union Governance and Corruption. The details of that information were outlined in my 2011 motion to parliament, calling on the council to note the credible allegations of serious malfeasance throughout your time with the Federated Gas Employees Industrial Union.

Incorporated in my submission were statements from Mr Allan Cotton and Mr David Butler. Mr President, you may have seen on Tuesday night's *Today Tonight* program that Mr Cotton stated he had been interviewed by telephone by the royal commission, and the royal commission did indeed confirm that a phone interview did take place.

It now seems apparent that the commission is proceeding with an investigation into the allegations that were made by these men. In the interests of maintaining the honour of the Legislative Council, will you stand down from the presidency while the Royal Commission into Trade Union Governance and Corruption undertakes its inquiry into these specific allegations?

The PRESIDENT (14:40): I think the only attack on the integrity of this council is from the honourable Leader of the Opposition, who has constantly tabled allegations, under parliamentary privilege, on a number of occasions: first of all, when I became a minister; secondly, when I became the President. I was in parliament for six years, and you had those allegations; nothing was ever raised until I became a minister.

You have politicised this council. I think the lack of integrity comes from you as the Leader of the Opposition, and I think the most appropriate place for this issue to be sorted out, which I requested the last time you raised it, is with the royal commission. The Hon. Mr Wade.

TOXFREE AUSTRALIA PTY LTD

The Hon. S.G. WADE (14:41): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conservation.

Leave granted.

The Hon. S.G. WADE: I ask this question on behalf of the local member for Yorke Peninsula, Mr Griffiths (the member for Goyder). Members of the community and the Wakefield Regional Council have significant concerns with an import permit that has been granted to Toxfree Australia Pty Ltd to transport up to 50,000 litres of hazardous waste from Papua New Guinea to New South Wales, and from there to Wingfield where it will be treated and transported for disposal at the Inkerman landfill.

On 7 October, the South Australian Environment Protection Authority and the minister's office provided the member for Goyder with a briefing on the permit granted to Toxfree Australia Pty Ltd. At that meeting, the EPA advised the member for Goyder that they had requested from the federal government details of the permit, specifically how a permit could be issued without consideration of the contract requirements—in this case, a transportation contract with Transpacific International—and real liaison with them, the EPA. At that meeting, the EPA also advised that Toxfree Australia had yet to apply to the SA EPA to transport hazardous waste into South Australia.

The federal parliamentary secretary to the Minister for the Environment, Senator Simon Birmingham, advised in a letter received on 14 November that the EPA had not approached the Department of the Environment seeking an explanation for the permit being granted to Toxfree. He also advises that EPA SA was fully engaged in the process and provided key input to the assessment of the Toxfree application for an import permit. My questions to the minister are:

1. Can the minister confirm if the South Australian Environment Protection Authority was involved in the assessment of the Toxfree Australia application for an import permit, including assessment of any contracts in place between Toxfree Australia and Transpacific International?

2. Can the minister advise if Toxfree Australia Pty Ltd has applied to the SA EPA to transport hazardous waste into South Australia and, if so, when was the application received by the EPA?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:43): I thank the honourable member for his most important question. The commonwealth government has authorised Toxfree Australia Pty Ltd to transport up to 50,000 litres of hazardous waste from Papua New Guinea to New South Wales, and from there by land to Wingfield, SA, where it will be treated, producing a non-hazardous solid residue.

I understand that the amount of isocyanate waste equates to less than 1 per cent of the liquid waste that is presently treated at the Wingfield facility. The Transpacific facility in Wingfield is authorised to collect, handle and treat isocyanate wastes. This information is freely available on the public register and can be accessed via the EPA website. The EPA licence is 15195. After treatment and confirmation of the absence of free isocyanates in residual waste, the solid waste is disposed of within a custom-built and EPA-approved cell at the Inkerman landfill.

The process for approving the waste disposal was subject to section 33 of the commonwealth Hazardous Waste (Regulation of Exports and Imports) Act 1989, and a permit was granted to Toxfree on 8 September 2014. This was a decision of the commonwealth government. Toxfree is still, I am advised, required to apply to the EPA to transport this waste prior to it entering South Australia, and I am advised that this has not yet happened.

The EPA has been advised that Toxfree and Transpacific International are in discussions to confirm whether the isocyanate waste product will be disposed of at the Inkerman landfill. Isocyanates are a group of chemicals used widely in the production of paints and coatings to weather resistant surfaces, I am told. They are also used to make building materials, including flexible foams and adhesives, and in the production of manufactured goods such as bedding.

In South Australia, isocyanates are widely used in the automotive and foam manufacturing industries, I am also advised. These industries produce isocyanate wastes, which are collected by licensed waste disposal companies such as Transpacific for treatment and then disposal according to their EPA licence. The typical treatment technologies used to dispose of isocyanate wastes are incineration or neutralisation. Both solid residues are then disposed to one of the three highly

engineered landfills in South Australia. As I say, my advice is that Toxfree has yet to apply to the EPA for a licence to transport and, again, this was a decision of the commonwealth government.

TOXFREE AUSTRALIA PTY LTD

The Hon. S.G. WADE (14:46): I have a supplementary question. I thank the minister. That answer was particularly focused on the transport from South Australia permit. I was wondering if he could inform the house as to whether the EPA was involved in the assessment of the Toxfree application for an import permit, that being the commonwealth permit?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:46): I think I advised the house that Toxfree is still required to apply to the EPA for a transport permit, and that that has yet to occur.

MOBILE ENTERPRISE GROWTH ALLIANCE

The Hon. K.J. MAHER (14:46): My question is to the Minister for Science and Information Economy. Given the massive growth of apps and other digital technology, will the minister inform the chamber about options open to South Australian entrepreneurs wanting to develop ideas and products in the digital and online world?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:47): I thank the honourable member for his most important question. The rise of global digital content and applications over the last decade or so is one of the most dynamic industries of our time. Iconic names like Google, Facebook, Twitter and others have, in a very few short years, become global business, turning over many billions of dollars.

The origin of these companies often lies in a kind of high-risk entrepreneurship that is unlike any we have seen in the past, called start-ups. This government is committed to creating a viable start-up culture in South Australia and that is why we have invested in MEGA (the Mobile Enterprise Growth Alliance).

MEGA is a three-month industry designed, led and mentored entrepreneurial program to help creative technical and business participants to develop new products and services for global markets. MEGA brings people and ideas together with the guidance of experts and mentors, and takes them through a process of research, feasibility testing, development and also commercialisation.

Since 2006, the government has contributed $35,000 in funds on an annual basis to deliver the MEGA showcase. This financial year, the government has contracted Majoran, a co-working community organisation that is expert in supporting digital entrepreneurs to take over the delivery of MEGA as part of a package of entrepreneurship programs and support them with overall funding of $100,000 a year over the next four years.

The pro bono contribution from experienced professionals working in related industries is vital, with well over $100,000 worth of their time donated to assist with presenting, mentoring and also helping to assess concepts. Since the program's inception, there have been over 200 participants, and more than 30 industry mentors and presenters have been involved, many right from the beginning.

There have already been a number of successes that can be closely linked to MEGA. One particularly impressive one is Voxiebox, a futuristic holographic display that produces 3D moving images and interactive content within a physical 3D volume space, as opposed to a flatscreen.

Originally developed by Will Tamblyn and Gavin Smith in a modest shed, I am advised, in Blackwood, Voxiebox has started to take its two inventors on a very steep trajectory upwards. Expressions of interest in the US have already seen Voxiebox demonstrated to NASA, Apple, Disney, Elon Musk of the Teslar electric car fame and Steve Wozniak, one of the founders of Apple, just to name a few.

It is evident that programs like MEGA capitalise on the innovative and creative minds of South Australians and open the door to economic and employment opportunities. In fact, according to the 2013 PricewaterhouseCoopers start-up economic report, Australia's start-up scene could add $109 billion to the economy and create 540,000 jobs over the next 20 years. That is why this government is committed to unlocking the vast potential of Adelaide's start-up sector, and it is my hope that MEGA will assist creative, technical and business participants to attract the kind of investment that will see these entrepreneurs develop their ideas into global competitive businesses.

There is a great opportunity to see the next generation of entrepreneurs as these six teams with ground-breaking ideas come together to spruik their concepts from 10am to 4pm tomorrow at MEGA's pitch day to be held at Uni SA's City West campus in the Allan Scott auditorium. I encourage members to come along to have a look. There are some amazing concepts to be demonstrated, so come along and support these wonderful entrepreneurs and their endeavours.

MOBILE ENTERPRISE GROWTH ALLIANCE

The Hon. K.L. VINCENT (14:51): I have a supplementary question. I would be interested to know whether MEGA is doing any work promoting the need for and greater use of accessibility: promoting accessibility in mobile apps, accessibility for people with disabilities?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): That is a great idea and, if someone has not thought of it already, I think that should be patented. I cannot cite any specific examples but I know that many of the ideas and concepts that are put forward are about using digital technology that improves access for many people—except of course the digitally illiterate. It is a great concept and, as I said, it should be pushed.

WATER PRICING

The Hon. R.L. BROKENSHIRE (14:52): I seek leave to make a brief explanation before asking the Minister for Environment, Sustainability and Climate Change, and everything else, questions about ripping off irrigators with water levies.

Leave granted.

The Hon. R.L. BROKENSHIRE: It has been reported recently that the Western Mount Lofty Ranges, through their water allocation plan, will now not be charged a water levy, something that I personally strongly agree with. However, that means that there is a dilemma for all those other irrigators in their WAPs where there will be a new water levy coming in for the first time in the Eastern Mount Lofty Ranges. We have irrigators in the water allocation plan around the Tintinara area of the South-East, some of whom are now being charged up to $10,000 a year in water levies.

As a further explanation to assist our illustrious minister, I advise that apparently there is a test case about council rates and the fact that through valuations we as irrigators—and I declare that I am one—are already paying the water levy through the capital value of the Valuer-General's department to the council rates and, therefore, the government cannot double charge. My questions are:

1. Is that accurate?

2. What is the minister doing to ensure that farmers are not further ripped off by this government with these outrageous water levies through the NRM?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:54): I thank the honourable member for his most important question, although teasing out the facts of the matter from the stochastic ramblings of his mind is always very difficult. However, I will attempt to do that for him.

Eight regional natural resources management boards contribute to the management of South Australia's natural resources. The Natural Resources Management Act of 2004 enables the NRM boards to be funded through water-based natural resources management levies. Holders of a water licence or imported water permit or persons who are authorised to take water under the NRM

act are liable to pay an NRM water levy. An NRM water levy is collected by the department on behalf of the boards, and six of the eight NRM boards collect water-based levies.

The NRM act provides a number of options for collecting NRM water levies, as I have explained in this place previously, including a fixed charge, a rate on the quantity of water allocated, the quantity of water that has been taken, and the quantity of water used or a combination of these options. It is left up to the board to do that in consultation with its local communities. The NRM act provides that a levy cannot be imposed under this section with respect to the taking of water for stock and/or domestic purposes—and I think we have thrashed out that position in here many times. I am told that the water levies for 2014-15 were gazetted on 29 May 2014.

For the first time a water levy will apply to the holders of forest water licences on the Lower Limestone Coast Prescribed Wells Area, and that is a magnificent achievement of this government and this parliament. The levy is consistent with the volumetric rate that applies to water allocations for irrigation in the Lower Limestone Coast, and I understand that this is an initiative that jurisdictions elsewhere are looking at and will probably be implementing, because that is a requirement of our national agreements. The forest water levy will help fund South-East NRM Board programs and activities that assist in the sustainable management of the water resources in the region for the benefit of all water users, as indeed do levies across all the boards in all the regions.

WATER PRICING

The Hon. R.L. BROKENSHIRE (14:56): A supplementary question. I am very interested in the South-East, but my question was about the Western Mount Lofty Ranges. Is the minister aware that there will be no water levy in the next 12-month period for irrigators in the Western Mount Lofty Ranges?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:56): As I said, that matter is left up to the board to determine in consultation with its local communities. The board has options of setting levies or doing a blend of levies, as I have just outlined. That is what the consultation with communities is all about: working out the best way of paying for water management in those areas.

WATER PRICING

The Hon. R.L. BROKENSHIRE (14:57): A further supplementary. Is the minister then confirming that he is happy to have one set of rules for some in this state that will be charged a water levy and another set of rules for others in this state who will not be charged a water levy?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:57): Clearly, the honourable member does not listen to the answers that are given in this place, because I said that there are already two boards who do not charge levies. We already have that situation, where some boards have a different way of mixing those levies together. That already exists. The honourable member knows full well that local boards have flexibility in how they allocate these fees and charges; they do it in consultation with their local communities. He should not come in here making up questions when he knows the answers already.

INDIGENOUS LITERACY AND NUMERACY

The Hon. A.L. McLACHLAN (14:58): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding literacy and numeracy rates amongst Indigenous students.

Leave granted.

The Hon. A.L. McLACHLAN: One of the government's targets is to halve the gap in reading, writing and numeracy achievement between Aboriginal and Torres Straight Islander students and non-Aboriginal students by 2018. The national Overcoming Indigenous Disadvantage report that was released yesterday has found that the literacy and numeracy skills of Indigenous students have flat-lined over the past five years, despite a significant investment in resources. The report has also

concluded that largely no progress has been made in boosting reading, writing and numeracy for Indigenous primary and high school students around the country. My questions are:

1. Has the government consulted with the South Australian Aboriginal Advisory Council about this issue?

2. Has the Aboriginal Advisory Council provided the government with any advice or recommendations as to how the literacy and numeracy rates of our Indigenous students can be improved?

3. Is the government considering any other policy initiatives to achieve its target to halve the gap in reading, writing and numeracy achievement between Aboriginal and Torres Straight Islander students and non-Aboriginal students by 2018?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:59): As I have said before in this place—as recently as yesterday, I think—the progress on Closing the Gap targets requires effort across a range of state government agencies, and our overall success will be dependent upon both state and commonwealth government effort, particularly where there are dual portfolio responsibilities or state level outcomes are reflective of commonwealth funding or, indeed, policy direction.

That said, there are three identified agencies with the chief responsibility for Closing the Gap targets at the state level. Number one is Health SA; number two is the Department for Education and Child Development; and number three is the Department of State Development. In terms of education, the responsibility there is with the Department for Education and Child Development. The target for ensuring all Aboriginal four year olds in remote communities have access to early childhood education is within five years.

I am pleased to say there has been much progress in our efforts to improve educational outcomes for Aboriginal people. Nationally, in 2013, 90 per cent of Aboriginal children in remote and very remote areas in the year before schooling were enrolled in preschool. In South Australia I am proud to report that we have met the Closing the Gap target, with 100 per cent of Aboriginal four year olds in remote communities with access to early childhood education. The number of Aboriginal and Torres Strait Islander children enrolled in South Australian preschools continues to increase from, I am told, 1,055 in 2004 to 1,567 in 2013.

In terms of halving the gap for Aboriginal children in reading, writing and numeracy within a decade, progress has also been made in our efforts to halve the gap for Aboriginal children in reading, writing and numeracy. Between 2008 and 2013, the reading gap improved across all year levels by between 2.4 and 16.8 percentage points in South Australia. The numeracy gap has improved slightly for year 7 and year 9 students, I am advised, and increased slightly for students in year 3.

I might also mention, while I am here, the target to halve the gap for Aboriginal students in year 12 attainment, or equivalent attainment rates, by 2020. Until most recently, the government has doubled retention rates for years 8 to 12 of Aboriginal students in government schools from 33.1 per cent in 2002 to over 75 per cent in 2013. South Australian Certificate of Education completion rates for Aboriginal students identified as potential completers have also increased from 83 per cent in 2011 to 93 per cent in 2013, with the gap between Aboriginal and non-Aboriginal students decreasing by 7.8 percentage points, I am told.

Over the past four years, post-school qualification rates have improved in South Australia for both Aboriginal and non-Aboriginal South Australians. The 2012-13 COAG Indigenous reform report indicates that South Australia is the only state to narrow the gap in post-school qualification attainment, with the gap narrowing by 10 percentage points over five years and with 50.1 per cent of Aboriginal South Australians working towards post-school qualifications. In terms of a new target for school attendance, which the federal government is working with us very closely on, COAG agreed in May 2014 to a new five-year target for Closing the Gap between Aboriginal and non-Aboriginal school attendance and a range of measures to ensure it is met.

The South Australian government is working closely with the commonwealth government through the Remote School Attendance Strategy. This strategy employs school attendance officers to assist students to attend school in communities across Australia, including on the lands, Yalata and Oak Valley. The strategy has resulted in marginal improvements, I am told, on school attendance at several schools in term 1, noting that for most schools the attendance figures declined from the start of the term to the end, although at Yalata School attendance increased from 70.4 per cent to 75.8 per cent.

ABORIGINAL LANGUAGE INTERPRETERS AND TRANSLATORS

The Hon. G.A. KANDELAARS (15:03): My question is to the Minister for Aboriginal Affairs and Reconciliation. Will the minister update the council on efforts to improve the provision and availability of Aboriginal language interpreters and translators within the state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:03): I thank the honourable member for his most important question. If we are going to be serious about our efforts to close the gap of disadvantage between Aboriginal and non-Aboriginal Australians, we have to address the issue of language barriers. According to the 2011 Census, of the 37,430 Aboriginal and Torres Strait Islander South Australians, 11.5 per cent spoke an Aboriginal language at home and had varying levels of English.

It is a fundamental question of basic rights and respect that we offer all Australians assistance, if they need it, to communicate with government agencies and communicate effectively when interacting with government agencies and services. As a consequence, the then Labor federal and state governments made a commitment to better address this matter. The result was the Remote Service Delivery National Partnership Agreement.

The policy discussions at both a state and national level confirmed the importance of governments having a clear policy on when and how to use interpreters and translators. After an extensive period of consultation, I am pleased to report that I was able to introduce a South Australian Aboriginal Languages Interpreters and Translators Policy this year.

The focus of this policy is on ensuring that state government agencies are using Aboriginal language interpreters and translators consistently and appropriately. It provides clear objectives and guidelines and principles for using Aboriginal language services as well as easy-to-access contact details for interpreting and translating services to assist agencies to source practitioners when required. The policy and an accompanying guide book is available on the Aboriginal Affairs and Reconciliation website and have been disseminated across the government.

The Aboriginal Interpreting Policy Reference Group is comprised of state government representatives (from the Interpreting and Translating Centre as well key agency officers) and Aboriginal interpreters and translators. The primary purpose of the group is to support the across-government implementation of South Australian policy framework and, at a recent meeting, I am told, the group discussed ways of promoting the inclusion of Aboriginal language interpreting and translating into the planning and delivery of government programs, services and operations.

Parallel with this policy work we are working with the commonwealth and Northern Territory governments to trial a new interpretive model for the APY lands. In order to carry out the trial, the project coordinator and a pool of 31 Pitjantjatjara and Yankunytjatjara interpreters have been employed. The scheme has been fully operational since September and bookings are managed through the NTAIS's Darwin office. I am pleased that the South Australian government has been able to contribute to this trial with the provision of office space and short-term accommodation.

In addition, we have assisted by sourcing interpreters from the TAFE SA Diploma of Interpreting course. The focus is on the APY lands and providing support for the project coordinator. It is worth noting that approximately one-third of the interpreters engaged on the trial have been drawn from a pool of 19 TAFE SA graduates, and information received to date suggests that the trial is having a positive impact. The official data indicates that 140 interpreting assignments were completed to the end of May this year. These assignments represented a total of 1,150 interpreting hours. The trial has been so successful that it has been decided to extend it for a further 12 months.

I am also pleased to report that, in direct response to user demand, the trial was expanded to Anangu in Port Augusta and Adelaide in early 2014. We are making real progress in raising awareness and improving the availability of Aboriginal language interpreters and translators across the state and there is every reason to believe that the program will go from strength to strength into the future.

PUBLIC TRANSPORT

The Hon. M.C. PARNELL (15:06): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conversation, representing the Minister for Transport and Infrastructure, a question regarding public transport, patronage and complaints.

Leave granted.

The Hon. M.C. PARNELL: Today the minister released figures showing an increase in public transport journeys of 1.66 million in the past year, representing a 2.6 per cent increase on last year. I hope that these figures refer to journeys as a whole trip across different modes rather than a single boarding, because a journey may comprise several boardings, so I hope the government is not jacking up the figures but, on face value, a 2.6 per cent increase looks to be a good result.

The minister also notes that patronage on public transport is up by 10.9 per cent since the Labor Party formed government in 2002. However, if we look at the most recent figures from, say, 2009-10, which was a peak of public transport use of 66.5 million journeys, we can see that we are now 4.8 per cent lower than we were four years ago. In the meantime, I have data which I obtained under the Freedom of Information Act which shows that in the same time frame, so that is between 2009 and 2014, total public transport complaints have more than doubled.

So we have 4.8 per cent fewer passengers and more than 100 per cent more extra complaints. I also note that public transport got a raw deal in the May state budget with postponement of the electrification of the Gawler line and instead construction of the O-Bahn extension. My questions of the minister are:

1. Given that the electrification of the Gawler line has been postponed as a result of the money being shifted to the O-Bahn, can the government provide any cost-benefit analysis on the two projects that would justify this shift in priorities?

2. Apart from advertising campaigns, what programs does the government have planned or in place to actively entice people back who have lost faith in public transport and to actively reduce the number of complaints about public transport?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:09): I thank the honourable member for his most penetrating question and for his congratulations to the government on public transport matters, and I will take those questions on notice to the minister in the other place and seek a response on his behalf.

Parliamentary Procedure

VISITORS

The PRESIDENT: I note the presence of the Hon. Mr Redford in the chamber.

Honourable members: Hear, hear!

Question Time

CHILD PROTECTION

The Hon. J.S. LEE (15:09): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question on retail outlets.

Leave granted.

The Hon. J.S. LEE: The *Sunday Mail* reported on 16 November that adult novelty items for sale are being displayed on shelves next to children's toys at bargain retail chains. Last week, at least three Spend a Penny stores sold graphic items representing male genitalia, which also included

some sex toys. Some of these adult goods were stocked on the same stand as glow sticks and toy tiaras for young girls. Child protection expert Professor Freda Briggs confirmed that 'displaying these goods is just extending the way children are exposed to commercialised sex and it gives them the wrong idea about relationships'. My questions are:

1. Does the minister agree with the views of Professor Briggs on this important matter?

2. What action has the minister taken to ensure that the Office of Consumer and Business Services comes up with a plan to prevent and monitor such retail stores from displaying adult items next to children's toys?

3. Child protection issues are front and centre of our concerns. Will the minister outline whether she will impose stronger policy and better guidelines within retail outlets to protect children from early exposure to sexualisation?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:11): I thank the honourable member for her most important question. Indeed, it is a serious issue, albeit an incredibly complex one. I also was alarmed to read of the particular novelty items that were on display at a particular retail outlet.

The issue is that at present there is a lack of clarity because it is incredibly difficult to define what is offensive and what is sexually appropriate and inappropriate. For instance, I recently went clothes shopping for a 10 year old for her birthday, and I have to say that I was pretty appalled to see some of the clothing that was being displayed and available to buy not just for 10 year olds but particularly for young girls. It was appalling to see incredibly inappropriate clothing that was very much sexualising girlhood, if you like.

What do you do with this sort of issue? Do you say that that clothing is inappropriate and is sexualising child behaviour and do you ban certain clothing? The list goes on and on. It is a very difficult area because you are trying to define what is offensive and what is sexually appropriate. We certainly understand that many of these products are distasteful to many customers. Really, what we have relied on pretty much in the past is to encourage consumers to complain directly to retailers about offending items that might be on display.

We have seen many good examples in the past of retailers being incredibly sensitive and sympathetic to consumers' complaints. We find that, more often than not, retailers are prepared to remove those items or to make them less overt, so that people have to ask for the items rather than their being on open public display. Obviously, businesses selling items of an adult nature should be sensible about the placement and positioning of those items in public spaces, so that children are not blatantly exposed to them.

In relation to offensive products, I draw the attention of members to the fact that items such as clothing, mugs, ornaments and novelty products are not covered by the Classification (Publications, Films and Computer Games) Act 1995, so they cannot be classified either by the Australian Government Classification office or the South Australian Classification Council at present. If people are concerned about merchandise that they consider to be inappropriate, they should speak or write to the retailer directly.

Alternatively, if items are of an indecent or offensive nature, the retailer may be committing the offence of selling indecent or offensive material or exhibiting in a public place, contrary to section 33 of the Summary Offences Act. If that is the case, it should be reported to the police. It is unlikely that those particular items that the Hon. Jing Lee raises today would be captured by the Summary Offences Act, but if anyone is of the view that it would be, then I encourage them to report it to the police.

It is a sensitive issue, a serious one, and one on which I continue to keep a close eye, but it is incredibly difficult to regulate around notions of individual sensibilities, because they vary so much, and so many things could be captured that clearly we would not want as legislators to be captured under that sort of regulation.

OCCUPATIONAL LICENSING LEGISLATION

The Hon. J.M. GAZZOLA (15:16): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about recent changes to occupational licensing legislation.

Leave granted.

The Hon. J.M. GAZZOLA: The Statutes Amendment (Occupational Licensing) Act 2013 passed by the parliament last year provides for reforms to various occupational licensing legislation. I understand that the majority of the reforms provided for in this act have recently commenced. Will the minister update the chamber about the occupational licensing reforms, including which reforms recently commenced, and the estimated savings to the community as a result of these reforms?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:17): I thank the honourable member for his most important question. The Statutes Amendment (Occupational Licensing) Act 2013, also known as the occupational licensing reforms, passed by both houses of parliament, was assented to last year on 21 November.

I am pleased to advise members that these reforms, developed with industry, aim to reduce regulatory costs for businesses by removing red tape and improve effectiveness for Consumer and Business Services (CBS). The majority of these reforms commenced operation at the beginning of this month on 1 November, with the remaining reforms commencing once further changes to regulation have been made. The changes that commenced on 1 November include:

- increasing flexibility for businesses without reducing consumer protection by allowing nominated building work supervisors to be engaged on a contract basis rather than as an employee or director;
- increasing the commissioner's authority to take action more quickly and efficiently in relation to cancelling, suspending or imposing conditions on a licence or registration when a person is no longer eligible;
- significantly increasing penalties for operating without a licence;
- introducing the fit and proper person eligibility criteria for registration as a building works supervisor, plumber, gasfitter or electrician, allowing the commissioner to address instances where a person has sufficient qualifications and experience but has a history of not fulfilling their responsibilities or of performing unacceptable work;
- providing the District Court the ability to impose conditions on a conveyancer's registration, land agent's registration or second-hand vehicle dealer's licence through disciplinary action;
- requiring a trader to seek approval of the commissioner if they wish to teleconference at a compulsory conciliation conference, rather than attend in person;
- reducing certain exclusion periods for discharged bankrupts and people who have been directors of insolvent companies; and
- the removal of the prohibition of bankrupts obtaining a licence as a building work contractor or plumbing, gasfitting or electrical contractor who will be restricted to work as subcontractors, allowing people to continue to work in their trade where this poses no risk to consumers.

The remaining reforms that we continue to work on are minor changes to trust account and audit requirements, removing unnecessary requirements such as sales representatives in the real estate industry notifying the commissioner of changes in employment under certain conditions, and requirements to ensure charging clauses in domestic building work contractors and contracts for plumbing, gas fitting and electrical work done on domestic properties are more transparent.

In terms of the savings to the community, it is estimated these changes and the few remaining will save the community over $18 million per annum on red tape costs and greatly improve CBS's ability to protect the public through its compliance activities. This builds on previous red tape reduction work by CBS that has also delivered significant savings.

The occupational licensing reforms stemmed from an initial roundtable discussion that the former minister and CBS held with peak industry groups, and subsequently led to a process improvement review by CBS on existing processes and practices. I would certainly like to thank those members who supported the occupational licensing reforms in the house.

These reforms demonstrate the government's willingness to listen to industry and make changes to cut red tape for business, create greater flexibility and fairness in the marketplace, reduce administrative burdens and create efficiencies for government, and finally, to ensure adequate protections are in place for consumers.

SA POWER NETWORKS

The Hon. D.G.E. HOOD (14:21): I seek leave to make a brief explanation before asking the minister representing the Minister for Mineral Resources a question relating to escalating power costs in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: *The Advertiser* today reported that householders are set to pay more than $70 million in blackout compensation and tree pruning at the hands of SA Power Networks (whose acronym I think is unfortunately SAPN). They also attributed increases in SAPN costs to the administration of the state government's solar feed-in tariff scheme. SA Power Networks claim they paid $9 million in compensation last financial year, $6 million of which was attributed to wild weather.

In 2012 SAPN reported that their 2012 compensation figure was down 70 per cent from the previous year, which suggests that a blanket increase would not necessarily represent actual claims for compensation. Despite this, bills have increased at least $30 per household in the last year for this alone, as I understand. My question to the minister is simply: what is the government doing to ensure that South Australian householders are not unfairly charged additional fees in their power bills in addition to the already high rates?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:22): I thank the honourable member for his important question. I will refer it to the Minister for Mineral Resources and Energy in another place and bring back a response.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (15:22): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the APY food security strategy.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to his answer yesterday, and I thank him for his comprehensive history of the strategy and good work of the Mai Wiru group. However, he failed to directly answer any of the questions put to him, and so I ask:

1. Who was the author of the report?

2. Why has the government abandoned the remaining objectives of the strategy in the annual reporting?

3. What role will Matrix on Board play in APY food security?

4. Who will have oversight of food security issues in the 50 per cent of community stores not administered by Mai Wiru?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation)

(15:23): I thank the honourable member for the most important questions, of course. What are the key messages in the final food security report that we need to take notice of? As part of the food security strategy, evaluation reports were published in year 1 (2011) in March 2012 and year 2 (2012) in April 2013. The final evaluation report covers the period of January 2013 to June 2014. This detailed report can be found on the DSD-AAR website.

This report highlights that, in supporting a broader approach to food security across the APY lands, this government invested in backup power generators and TV and DVD installations for community stores so that we can provide informative tapes on subjects that are important to the community. As you can appreciate, Mr President, adverse weather conditions and unpredictable overloads on power usage on APY lands have historically resulted in power outages for considerable periods of time. These outages on occasion have resulted in the spoiling of frozen and refrigerated food in some community stores.

So, in 2012-13, to assist in reducing the spoilage as well as assisting community stores to reduce their operating costs, state government capital funding of $288,000, I am advised, was allocated to install backup power generators to those who requested such assistance. Backup generators have now been installed and are fully operational and have been well received, I understand, in Indulkana, Kampi and Amata stores, as well as the temporary Fregon store, noting that that store, of course, was destroyed by fire last year.

These generators automatically come online when there is a power outage and have the capacity to support safe food storage within store fridges and freezers in the event of a short-term or even a long-term power outage. The ownership of the generators, as I said before, has been transferred to the owners of those stores.

We also saw the value in the installation of those TVs and DVDs that I mentioned earlier to provide nutrition-related education to Anangu. I think we might also provide some education about customers' rights as well. Once the new Fregon store is rebuilt, a TV and DVD will be installed and the generator relocated.

Investing in food security for the future has also been a key focus of this government, with the funding for the kitchen garden programs, with AAR providing the Department for Education and Child Development funding of $40,000 to deliver kitchen garden programs in Anangu schools, including at Indulkana, Kenmore Park and Yalata as well on the Far West coast. Schoolchildren in these communities have continued to grow their own fruit and vegetables, I am advised, which are then prepared as nutritious meals and snacks using their own produce for community consumption.

The final report says that the focus of the strategy during the 18-month period was on two areas. Financial wellbeing, the MoneyMob Talkabout program, funded by the commonwealth and state governments, has been very effective, I am told, in helping Anangu manage their money, and financial counsellors provide advice, support and educational services to Anangu.

The other focus, of course, is on freight management—I covered that yesterday—with a new Mai Wiru freight service being up and running and delivering fresher food to the APY lands at a better price. Given the positive progress in these two areas, and following consultation with key stakeholders, the government has decided to conclude the food security strategy as of 1 July 2014 and focus the government's food security efforts on the freight initiative in 2014-15.

The PRESIDENT: A supplementary from the Hon. Mr Stephens.

APY LANDS, FOOD SECURITY

The Hon. T.J. STEPHENS (15:27): Minister, who were the key stakeholders you consulted when you decided to abandon the reporting process?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:27): I do recall being told who they were, but I don't have that in front of me. I will have to take that on notice and bring it back for the honourable member.

CHRISTIES BEACH WASTEWATER TREATMENT PLANT

The Hon. T.T. NGO (15:27): My question is to the Minister for Water and the River Murray. Will the minister tell the house about the upgrade to the Christies Beach wastewater treatment plant and how this plant will benefit current and future residents in the area?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:27): I thank the honourable member for his most pulchritudinous question. His elegant phrasing, I think, marks it out as a fine example of the genre, and he should be congratulated for it. Wastewater treatment plays a vital role in protecting our health, the environment and our quality of life. Every year, SA Water manages and treats millions of litres of wastewater resulting in enormous environmental benefits, and recycled water produces an additional source of water and decreases our reliance on mains water and water-dependent ecosystems, of course, such as the River Murray.

Many people in our state may not be aware that South Australia has led the nation in installing wastewater treatment systems. Adelaide, for example, was the first Australian capital city in the country to achieve secondary treatment of all wastewater. It's wonderful, I think, that our innovative practices continue to be recognised around the nation and indeed globally.

I am pleased to report that SA Water and Kellogg Brown & Root won the infrastructure innovation award for the Christies Beach wastewater treatment plant upgrade at the Australian Water Association's South Australian branch annual awards last Friday. The awards are an opportunity to celebrate the outstanding performers in the industry and look back on the significant achievements of the water sector throughout the year.

A major upgrade of the Christies Beach wastewater treatment plant was recently completed. The plant now receives and treats wastewater from Adelaide's southern suburbs, and some of this recycled water irrigates McLaren Vale vineyards. I am also pleased to report that the Christies Beach wastewater treatment plant upgrade has been completed significantly under budget at approximately $220 million and has increased the plant's current capacity to 16.5 gigalitres per annum.

This has been a large scale project that is designed to accommodate the expected growth in population in the Christies Beach catchment area expected by 2030, as well as deliver significant environmental and recreational benefits for the area. An important part of the success of this project has been the close collaboration and consultation of all parties involved, including regulators and contractors, consultants, our metropolitan alliance partner Allwater and, of course, the local community.

The upgrade included the decommissioning and conversion of the Noarlunga Downs sludge lagoons into wetlands that naturally clean and filter stormwater before it goes back into the Onkaparinga River. In other words, stormwater no longer flows straight off the roads into the Onkaparinga as it used to do. It is now filtered through a series of stormwater ponds that naturally remove nutrients from the stormwater, making it cleaner when it enters the river.

The decision to create the wetlands resulted from community consultation and environmental investigation, because in addition to the environmental benefits the wetlands offer beautiful recreation opportunities for locals and also provide important habitat for plants and animals. The upgrade has also resulted in a project meeting one of the key environmental objectives of reducing nitrogen loads to the Gulf St Vincent to, I understand, around half the previous levels, and these measures will have significant positive impact on the health and future recovery of the marine and coastal environments.

In addition to these very important environmental benefits, the upgrade will offer the local community fantastic leisure and recreation opportunities. School and community groups can now tour the Christies Beach Wastewater Treatment Plant and learn about the importance of wastewater treatment. This upgrade has been a great success, and I take this opportunity to congratulate everyone involved in it. It is important to point out that water is only one of the by-products that result from the treatment process. Biosolids are collected and treated and used by farmers as fertiliser, and biogas is used to generate electricity for the plant, thereby reducing the plant's carbon footprint.

Recycled water, of course, is used for a multitude of purposes, such as watering parks, sporting fields and vegetable crops, as well as flushing toilets. Our recycled water is even used to grow the bamboo, I am told, to feed our pandas, Wang Wang and Funi, and the upgrade to the Christies Beach Wastewater Treatment Plant is another example of this government's innovative approach to water services.

SA Water owns about 24 wastewater treatment plants in South Australia. Five are operated by SA Water's metropolitan contractor, Allwater, one is operated by another contractor, Trility, and 18 are regional wastewater treatment plants operated by SA Water. There are three wastewater treatment plants in South Australia that are operated by councils or a third party, I am told. Council community wastewater management schemes are designed to collect, treat, reuse and/or dispose of primary treated effluent from septic tanks on individual properties. Disposal systems can be either evaporation ponds or irrigation systems or other reuse, for example, the wetlands that I just outlined earlier.

It is vitally important that the state government, through SA Water, works with local councils or the owners, whoever they may be, if they are private enterprise owned, to make sure that these systems can assist in the economic and population growth of the regions. Community wastewater management systems also protect water and land resources from pollution. Again, it is vitally important that we are involved in this when they are on riparian land, for example, the River Murray.

So SA Water works very closely with councils where councils receive treated water from SA Water's wastewater treatment plants for reuse; where councils extract sewer water from SA Water's wastewater network for treatment in their own wastewater treatment plants; or where a council's community wastewater management scheme discharges to SA Water's system for treatment and disposal.

I understand that inquiries have also been received from councils seeking SA Water to potentially provide advisory services or manage or take ownership of existing community wastewater management schemes. We are very happy to work very closely with councils on community wastewater management schemes, because it is a vitally important adjunct to economic development in our regional areas.

Bills

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 November 2014.)

The Hon. M.C. PARNELL (15:34): I rise to make a contribution on this bill, and I will take some little time today because there is a great deal of information that I think needs to be put on the record; notwithstanding the fact that, at face value, this bill might appear to be fairly straightforward and simple. To cut straight to the chase, I believe that the act that this bill seeks to amend is one of the greatest protection rackets of our time. It is a legal situation that is unique in the common law world, and it is one that is desperately in need of law reform.

What I am referring to, of course, is the fact that the Catholic Church, as a legal entity, does not exist; their assets are tied up in trusts established under the acts of parliaments of various states and territories; and they are, to all intents and purposes, beyond suit even from those who have suffered terribly, as children, at the hands of the clergy, the laity and others associated with the church. So I do need to put some of this material on the record. I do so in the context of amendments that I filed just this week and which I expect we will deal with next week.

The amendments that I have moved seek to open up the assets of the Roman Catholic Archdiocese of Adelaide Charitable Trust to be accessible to those who have succeeded in their claims for compensation in relation to abuse that they suffered as children at the hands of someone connected with the Catholic Church. That is the amendment that I will be speaking to next week but I want to take the opportunity now to put this into context.

The starting point, as I think members would probably know, is that the situation faced by children in institutional orphanages, schools and elsewhere is a very sad tale in many cases of abuse and neglect that has only come to light in recent years. That is not to say that people who suffered abuse as children often as far back as 1940s, 1950s and no doubt earlier—that these stories have taken a long time to come out. They are now coming out in the most public way possible and that is through a royal commission established by the government of the commonwealth.

Members would be aware that the royal commission produced an interim report earlier this year and that interim report makes for absolutely harrowing reading. I am going to put some of that material on the record today as it relates to the Catholic Church in South Australia, and the institutions that are referred to are the institutions that benefit from the trusts, including the trust that is the subject of this bill. The royal commission at the very start of its interim report, Volume 2, has a disclaimer under the heading 'Content Warning'. It states:

> This report contains material that is sometimes confronting and disturbing. Sometimes words or images can cause sadness and distress, or bring back memories for people affected by child sexual abuse which are very hard to deal with.

The introduction then goes on much like modern television shows now where a documentary or a current affairs show deals with issues of suicide or depression and they put the Lifeline phone number or beyondblue or one of those services up. The royal commissioner felt the need to put similar material at the front of his report. I want to refer to four South Australian cases. The names, no doubt, are fictitious but the commissioner has seen fit to name institutions and to name time periods. I will start with the case of Albert. In relation to Albert's case the royal commission report states:

> Educational opportunities were limited in the isolated place where Albert's parents lived, so at the age of 10, he was sent to a Christian Brothers' boarding school in South Australia.
>
> After an 'uneventful' 12 months, Albert went into Grade 5 in 1967 where he had a new teacher. He told the commissioner that the lay teacher, Mr Black showed an interest in him almost right away.

To quote Albert:

> Mr Black was a large, untidy man who could be very pleasant, but at the same time, authoritarian and demanding. I remember he had bad breath. During class he would come up to me and say, 'You have been a good boy, do you want a break?'
>
> Albert said Mr Black would find an excuse to take him into a private garden area to sexually abuse him, at least once a month.

I am not going to read the next bits; it is not necessary and it is too distressing, but I refer members to page 107 of Volume 2 of the Royal Commission's interim report. The report about Albert goes on:

> But since his boarding school experience, he told the commissioner, he's waged a long battle with drug and alcohol addictions. 'I spent about six months in jail when I was 25 for violence and drug possession. I've spent time in various police lockups for being drunk and causing domestic disturbance. I've abused substances. I suffer terrible nightmares, sometimes wake up screaming and terrified.' Albert has been married twice, and said for over 40 years he had 'wiped off' memories of the abuse.

The report goes on to describe a bit more about his life, and then continues:

> He also told of 'always having problems' with people in authority, and struggling to maintain employment despite having secured a number of well-paid jobs. Haunted by nightmares, Albert finally revealed his story for the first time to his lawyer in 2008, and spent three years in counselling before deciding to contact Towards Healing.

He then engaged in that process, and the report concludes:

> They offered me a pittance in my financial settlement, which I refused. It went back and forth until I finally accepted $20,000 which I split evenly with my lawyer. I expected a higher settlement considering it sent my life off the rails for 40 years. They promised a formal apology letter which I never got, the whole thing was just so traumatic.' In return for the settlement, Albert said he signed a deed of release stating he'd take no further action against the Church. He told the Commissioner he's currently homeless but staying with his father…'I have no friends and still suffer nightmares. I continue to smoke marijuana and drink. It helps to get rid of the bad thoughts.'

A second South Australian case, on page 132 of the report, relates to Joe. Joe was actually a teacher at a Christian Brothers school in South Australia. I will not read that extract but, basically, he was a teacher who was appalled at the cover-ups and the attempt, by the church, to hide what was clearly

abuse that was being conducted in that institution. The next case, on page 259 of the report, is that of Rod. It says:

> In 1994, Rod was living overseas when he heard that an allegation of sexual abuse had been made against a priest, he recognised as the one who'd been his parish priest in the 1960s in regional South Australia. That priest had sexually abused him over a period of eight years while Rod was serving as an altar boy. Rod told the commissioner that he was eight years old when Monsignor Sheehan began abusing him in 1966. 'It started out as psychological torture, and then it became sexual.'

I will not go through the details, but they are in the commissioner's report. The final South Australian case study I will refer to is the case of Susan, as follows:

> Susan's mother was grateful for the break Brother John gave her when he took the children on hikes and bike rides. She was busy and exhausted, looking after five children, including Susan's youngest sister who had a severe disability and confined to a wheelchair. Brother John was a Christian Brother who'd befriended the family through a cub and scout camp. It was on the outings that he sexually abused the children. When Susan disclosed the abuse and said she didn't want to go with Brother John, her mother said that she didn't want to know. 'He's a lovely man', her mother said. 'He's helping our family, so you go with him and don't lie.' Susan tried several times to let her mother know about the abuse, but she was never believed. Susan told the commissioner that Brother John took the children to isolated locations and made them take their clothes off.

I am not going to read the next part of that extract, but I think honourable members can imagine how it goes. The report continued:

> The abuse by Brother John went on for five years until the family moved away from South Australia. Susan said her brother committed suicide at the age of 19. 'He just couldn't deal with life after the abuse.' From the age of 16, Susan spent long periods in psychiatric institutions. She attempted suicide several times and severely self-harmed. 'I'd withdrawn so far from my feelings. I did it so the pain was on the outside instead of on the inside.'

So, there are some South Australian cases involving the Catholic Church as reported this year by the Royal Commission into Institutional Responses to Child Sexual Abuse and that is some of the context of the history that I think all of us now know. When we look at the bill that is before us and the act that the bill seeks to amend, it relates to one of these property trusts that are controlled by the Catholic Church.

Many people believe the Catholic Church is an extraordinarily wealthy organisation and that it has one of the largest landholdings in the country, and to a certain extent that is true. However, the property that is owned by the Catholic Church in this state is held by a series of property trusts. These trusts are established under the law of the state and they date back many decades. The bill before us, I think, is amending a 1981 act, but there were predecessor acts as well.

At law, the entity that is known to the general public as the Catholic Church is said to be an unincorporated association with no independent legal identity. Basically, this means that the Catholic Church in South Australia does not exist and cannot be sued. This legal structure has very important and ongoing consequences for the victims of abuse. In 2007, a decision of the New South Wales Court of Appeal affirmed on appeal to the High Court a man called John Ellis, a man who I have met in Sydney. He sought compensation for sexual abuse that he suffered at the hands of an assistant priest at the Bass Hill parish between 1974 and 1979. Mr Ellis's case is important to the story, it is important to South Australia and it is important to this bill.

Mr Ellis could not sue the deceased assistant priest, neither could he sue the church. Mr Ellis therefore sued the current church leadership, which back then was Cardinal Pell, and he also sued the property trust that held the church's assets. In court, the church never disputed the fact that Mr Ellis had been sexually abused. Instead, they managed to persuade the court that the present leaders of the Catholic Church could not be held responsible for breaches of care by former members of the unincorporated association that is the Catholic Church.

The church also argued, and the court agreed, that the property trust could not be sued by victims of abuse as the trust was solely responsible for property matters and therefore not liable for any sexual abuse by members or officials of the church. Mr Ellis's case was dismissed. Not only that, he was ordered to pay the church's legal costs and John Ellis, like countless numbers of victims, was left with no legal remedy. Victims and the church now simply refer to this case as the Ellis defence.

The Ellis defence is what my amendments seek to remove by amending this bill. To put the legal context onto the record, I need to refer to a submission that was made by the Australian Lawyers

Alliance. This was a submission about the Catholic Church's Towards Healing process. The submission was made to the Royal Commission into Institutional Responses to Child Sexual Abuse and is dated 3 September 2013. When we look at term of reference No. 6 of the royal commission's terms of reference, it is to inquire into connection between participation in Towards Healing and rights to access justice systems in Australia. I will read a few sentences from the Australian Lawyers Alliance submission:

> The church's claim that it is effectively immune from suit in Australia is unique in the common law world.
>
> In the USA, Canada and Ireland, the Church has been treated as a *corporation sole* or a legal entity capable of being sued in respect of abuse.
>
> In England, the Church accepts that its trustees are its secular arm and liable to meet any verdict against the Church.

The submission then names a large number of court cases and I will not read all of those references into *Hansard*. The submission goes on:

> In each of these English cases the Church was held liable, either directly, or vicariously, or both, for the criminal conduct of its priests.
>
> The English Supreme Court in the last of those cases said that the relationship between bishop and priest was sufficiently close to that of an employer/employee to justify making the Church liable for criminal acts of sexual assault.
>
> The *Ellis* decision is in stark contrast and leaves Australia isolated in the common law world.

The submission goes on:

> The result is that, only in Australia, and only in respect of one Church in Australia, do victims have no entity to sue (since the abuser has usually taken a vow of poverty and may well be dead) and only one Church in Australia is not liable for its clergy. The Australian Lawyers Alliance submits that urgent legislative reform, along the lines of the draft legislation circulated by David Shoebridge MLC in the NSW parliament, the *Roman Catholic Church Trust Property Amendment (Justice for Victims) Bill 2012 (NSW*), is required.

They then attach that draft bill to their submission. At this point I will acknowledge the work of my colleague David Shoebridge MLC, in the New South Wales parliament, who has done a power of work on behalf of the victims of childhood sexual abuse, not just in relation to this particular church but in relation to other institutional settings as well. The Australian Lawyers Alliance, addressing term of reference number 13, Options for redress, says the following about the common law:

> The *Ellis* case, as described earlier, indicates the gross inadequacy of redress under *Towards Healing*.
>
> This extends not only to individuals that have suffered abuse directly as a result of misconduct by a local parish priest, but also individuals attending Catholic parochial schools. Those injured in Catholic parochial schools may have no one to sue for abuse or even negligence, unless a Bishop chooses to consent to the Trustees (who hold the school's assets) being sued.

In support of that submission, the Australian Lawyers Alliance reference a number of cases, most recently from 2011 in the New South Wales Supreme Court. They continue:

> Legislation reform is the only remedy. The access to compensation via other means, other than under the common law in Australia, is grossly unsatisfactory.

They then go on in their submission to talk about the Towards Healing process, the Catholic Church's own process, and what that is designed to achieve. To paraphrase, the church's process is that people can go through the civil courts, as is their right, but the Australian Lawyers Alliance says:

> However, a civil compensation claim cannot proceed successfully due to the precedent created by *Ellis,* thus leaving such procedures defunct.
>
> As a result of the lack of legal status of the Church as an unincorporated association, and the lack of receiving any compensation from an abuser priest, victims have no choice but to go to *Towards Healing* 'for the crumbs that the archdiocese was prepared to push off the table'.[7]
>
> It has become clear that the outcome of such mediation will depend on the strength of the legal position of both parties. If the threat of taking the matter to court is no longer there, then claimants just have to accept what is offered.
>
> Lawyers who have worked with victims of abuse report that it is standard practice for the Church's lawyers to reference the *Ellis* defence, and tell victims to either accept a low settlement offer, or inevitably lose their case in

court. As Dr Andrew Morrison SC says: 'If this [*Ellis*] decision stands, it is not just this litigant that fails, this decision says that the Church, in effect, is not amendable to suit.'

In the Sydney Diocese of the Catholic Church, the maximum payment that is authorised under the *Towards Healing* process is $50,000, and anecdotal reports suggest that most payments are well below this.

Other dioceses such as Maitland-Newcastle do not limit payments, and explicitly do not rely on the *Ellis* defence, and therefore have provided more substantial settlement sums to victims.

This figure is grossly inadequate to compensate individuals for the significant losses sustained within their lifetime. In addition, for an individual to be eligible to claim this meagre payment, the abuser must be alive.

Many individuals have committed suicide as a result of the abuse to which they were subjected, such as Damien Jurd and Daniel Powel in the Father F case.[8]

It is clear that *Towards Healing* is a process designed to minimise payments to victims, done in private, whose outcome protects the accused and the Catholic Church. There is a lack of care towards the victim, with a focus on money. The Australian Lawyers Alliance believes that such callous disregard for the plight of victims amounts to a second round of abuse.

That is the legal situation that we now face in South Australia. We know that there are victims of abuse who are seeking justice. We know that, under the law as it stands, the Catholic Church is not able to be sued in its own right; it relies on the Ellis defence to secure low, secret payments for victims, and this is a situation we have to reform.

The fact is that this bill has been on the *Notice Paper* of the other place for some considerable period of time. I personally believe that discussions would have been held anticipating that someone might move amendments such as the ones I am now seeking to move because, clearly, when the Catholic Church comes to the government with what is effectively a private act of parliament, an act that is just for the benefit of the church, and they say, 'Well, it's a bit out of date. We need to fix up the membership of the trust. Some of the trustees are no longer appropriate; we want to put some new ones on,' they have opened up this bill. They have asked this parliament to legislate to help them to fix up their antiquated structure.

What I am saying and what the Greens are saying is that this parliament now has an opportunity, and I believe an obligation, to fix up this legislation properly and to fix it up to remove this gross anomaly that protects a massively wealthy institution from having to pay compensation to those who have been adjudged in our courts of law or by settlement to be entitled to compensation. I think that it is absolutely appropriate for us to be dealing with this.

When we get to the amendment next sitting week, members will see that it is a very simple amendment. It seeks to define abuse or neglect. It seeks to set out those persons associated with the Catholic Church who may potentially be those who are the perpetrators of abuse, whether they be the clergy or the laity, and then goes to say, in a very simple clause, that, when it comes to the objects of the trust that:

> (2) The property and the income of the trust must be applied as follows:
>
> (a) firstly—if a claim has been made against a representative of the Church that the representative abused or neglected the claimant when the claimant was a child—to satisfy the payment of any damages awarded or compensation agreed as a result of the abuse or neglect; and
>
> (b) secondly—to further the other objects of the Trust.

So, it is very, very simple. It opens up the bucket of money to those who have proved their case in a court of law. There are probably greater injustices, but it is a gross injustice that someone could have their case proven, found to be entitled to compensation but not be able to recover because of a legal nicety which protects billions of dollars of assets. That is just wrong, and that is something that this parliament can and should remedy.

I look forward to further debate on this bill when we get into the committee stage. I have no doubt that the Catholic Church will fight tooth and nail to prevent an amendment such as this going through. That has been its approach in other jurisdictions—I do not expect it to be any different here.

I just make the point that this does not make anyone liable who has not done anything wrong. The precondition for a person to get compensation is that they have to convince a court or the church that compensation is payable, and then this bill simply says, 'Here is the bucket of money that you

can be paid from.' Once with we get rid of the Ellis defence, then the church will need to negotiate in good faith with the victims of child sexual abuse.

I read those earlier references to the royal commission. I know I balked at the detail: I cannot say that the detail is not appropriate, because you have to know this stuff, but I was not prepared to read it into *Hansard*. It is just dreadful; it has resulted in harm, it has resulted in death, and these people are entitled to our compassion. I look forward to all members considering this when we come back next week. I hope the amendments are supported.

I will conclude with the words I started with: if we do not fix this, we are party to one of the greatest protection rackets in this country, and I do not think that is appropriate for the parliament to let go through to the wicket keeper. I know that the church only has a simple request: change the membership of the trust. We need to take this opportunity to fix up this legislation properly.

Debate adjourned on motion of the Hon. T.J. Stephens.

STATUTES AMENDMENT (SACAT) BILL

Final Stages

Consideration in committee of the House of Assembly's message.

(Continued from 19 November 2014.)

Amendments Nos 5 and 6:

The Hon. G.E. GAGO: I move:

That the council do not insist on its amendments Nos 5 and 6, but makes the following alternative amendment:

Clause 98, page 36, lines 13 to 17—Delete subclause (10) and substitute:

(10) A member of the Guardianship Board holding office when subsection (9) comes into operation will case to hold office at that time.

The amendment is related to amendments Nos 13, 14, 16 and 17. As the chamber is aware, the Hon. Mr Darley successfully moved amendments to preserve any right of action against a minister for the payment of compensation on account of the early termination of a contract of a member of an existing board or tribunal where the member has not been successful in securing an appointment as a member of the SACAT. It would apply to members holding office in the Residential Tenancies Tribunal, the Guardianship Board and the Housing Appeals Panel but not a commissioner of the Public Sector Grievance Review Commission.

The government made the decision not to roll over existing board and tribunal members into SACAT, instead calling for applications for membership based on merit-based recruitment process. Whether existing members holding office accepted the offer to apply was and remains a personal decision on their part. As the Attorney-General indicated, not all current members holding office did apply for a position in the SACAT.

The government's position is that the rights to remuneration arising from the instrument of appointment do not survive the dissolution of the board. The words of the government bill sought to prevent a claim asserting otherwise from being brought, and thus saving the expense of what the government considers might be a claim that would not succeed, nothing more.

It has become clear that the opposition and crossbenchers will not support this clause passing in its original form. Accordingly, in an effort to ensure the bill is passed and SACAT is established in 2015 the government has proposed this alternative amendment. It is proposed that it is the position of the government that the effect of this amendment if passed will be neither to extinguish nor enliven any right of action that a member of the Guardianship Board hold office when the Guardianship Board is dissolved may have as to any employment entitlements.

Accordingly, the bill will remain silent as to any cause of action that may or may not arise as a result of the termination of any contract of employment agreement or arrangement relating to the office formerly held by that member. The result of this will be that any right of action would be a matter for determination by the courts. On this basis, I urge members to support the government

amendment and corresponding amendments applying to a member holding office at the Residential Tenancies Tribunal and the Housing Appeals Panel, at amendments Nos 13, 14, 16 and 17.

The Hon. M.C. PARNELL: I am conscious that some of the key people who have been involved in this clause are not in the chamber at the moment. I understand that they are on their way, so I might make a few observations while the Hon. John Darley gets here and while the Hon. Stephen Wade gets here. I have some questions of the minister as well.

Just to put this into context so that members are familiar with what we are talking about, the government has moved that we not insist on our amendment. The amendment that we supported was moved by the Hon. John Darley and it effectively said that notwithstanding that these bodies (the Guardianship Board and the Residential Tenancies Tribunal) were being abolished, effectively anyone who had a contract of employment did not lose the rights that they would have had had they been terminated without those bodies being abolished. That is, in straightforward terms, the way I understand the amendments that we all supported last time.

The way I described it, putting it even more simply, is: in the absence of this legislation, the government could not have ended those contracts of employment without being liable to some form of compensation. The only way that the government could have ended those contracts was if a trigger event had occurred; for example, the incumbent stopped coming to work, or the incumbent was convicted of some offence, or became insane, or whatever. Those triggers, for a five-year contract of employment—if we were not abolishing the Guardianship Board, for example, the government would not have been able to end that contract of employment without some liability to compensation. So, that is the starting point; that is the status quo.

When the minister says that the government is very keen not to 'extinguish or enliven' any rights, the SACAT bill as originally drafted does extinguish those rights. It extinguishes the rights because it extinguishes the bodies (the Residential Tenancies Tribunal and the Guardianship Board), and the way I have described it is that the executive is asking the parliament to do something that it could not do itself. The executive itself could not have ended a contract of employment without paying some compensation; they are asking the parliament to do it for them. That, I think, is where many of us in the Legislative Council baulked at it. Again, to put it really crudely, the parliament was being asked to do the executive's dirty work.

So, what I am uncertain about concerns the fact that the proposed words that the government seeks to insert are effectively a new subclause (10), which is really just the first sentence or the first part of the subclause (10) that we had originally agreed to, and gets rid of subclause (11). Subclause (11) was the one that basically continued the right to compensation that already existed were it not for the bill that we were debating. My question of the minister is: why does the government feel that these words do not reverse the intent of the amendments that the Legislative Council passed? It seems to me that all a new subclause (10) says is:

> A member of the Guardianship Board holding office when subsection (9) comes into operation will cease to hold office at that time.

Effectively, we are back to where we started from. We are asking the parliament to effectively sack these people and end their employment with no right of compensation. My question of the minister is: am I incorrect in my analysis? Given the small number of people involved, why can we not leave the amendments as originally supported by the Legislative Council? Why do we need to remove the Darley amendments and replace them with something as uncertain as this?

The Hon. G.E. GAGO: I have been advised that the government considers it appropriate, given the discussions that have occurred to date, that the alternative is the courts dealing with these matters if action arises.

The Hon. M.C. PARNELL: I thank the minister. The minister may have in front of her a letter. The copy I have got was addressed to the Hon. John Darley, who I hope will join us soon, from David J Meyer, Barrister & Solicitor, who was asked to give advice to Mr Jeremy Moore, who is the outgoing President of the Guardianship Board. It is only a couple of sentences and I will read it onto the record and ask the minister for her response:

> Dear Sir

I have been advising Mr Jeremy Moore in respect to issues arising with his position as President of the Guardianship Board.

Mr Moore has asked my advice in respect to the proposed clause 10 of the bill relating to the Guardianship and Administration Act, and in particular to the proposed clause 98(10) of the Statutes Amendment (SACAT) Bill 2014.

I have advised Mr Moore that I do not understand what the proposed clause 10 [subclause (10)] is meant to achieve, other than muddy the waters. Clause 98(9) of the bill provides for the dissolution of the Guardianship board. It follows that if the Board is dissolved, there is no position as President.

The ongoing position of the President would then have to be decided in accordance with the contract in existence, and any law that may be applicable. The Attorney has said that he has a Crown opinion that upon the dissolution of the Board, the State is not liable to compensate the President for the unexpired period of his contract. If that is correct, then the new proposed clause is unnecessary.

I would urge the independent members of the Legislative Council, and the Liberal party to adhere to their current position, which then leaves the government to sort out its liabilities in accordance with the current law.

My two questions of the minister are: firstly, if there is such a crown opinion, can we see it? Secondly, what is the response to this legal opinion?

The Hon. R.I. LUCAS: Mr Chair, I draw your attention to the state of the committee.

A quorum having been formed:

The Hon. G.E. GAGO: In relation to the first question about whether we received crown advice or not, I am advised that yes, we did.

The Hon. S.G. WADE: Sorry, Mr Chair, could we ask the minister to start again, please?

The Hon. M.C. PARNELL: You did not hear my question, that was the point. I read onto the record David Meyer's legal opinion, and I asked two questions. First of all, David Meyer refers to the fact that the Attorney had said that he has a crown opinion, and I asked if we could see that crown opinion. Secondly, I asked what the government's general response was to the David Meyer legal advice.

The Hon. G.E. GAGO: In relation to the first question, yes, we did receive crown advice. I am confident that the member knows that my answer to the second question is no, and I am quite confident that he understands the reason why. Obviously, the government will not disclose the nature or content of any legal advice that we are given, because it goes to the issue of waiving one's rights—or could go to that issue.

The Hon. S.G. WADE: Could I indicate to the minister that I am not at all interested in any legal advice in relation to the legal entitlements of any citizen in South Australia. What I am interested in is the legislation that is before this parliament and the impact that it might have. I would ask: has the government had any legal advice on the potential impact of this bill on the legal entitlements of South Australians generally?

The Hon. J.A. DARLEY: I apologise because I may be asking things that have already been asked, but if I ask them the minister can let me know. I have sought some advice on this matter which appears to indicate that those members holding office may not have an entitlement to compensation if these amendments are agreed to. Can the minister indicate whether the government has sought crown law advice on the effect of these compromise amendments? What is the government's understanding of the effect of these amendments? Specifically, can the minister also confirm for the public record that these compromise amendments do not affect or extinguish any entitlements to compensation or entitlements that may exist for members of the Guardianship Board, the Residential Tenancies Tribunal and the appeal tribunal?

The Hon. G.E. GAGO: I thank the Hon. John Darley for his questions. In relation to whether we received crown advice or not, yes, we have. Obviously, the government is not prepared to disclose the nature or content of any legal advice that we have received in relation to such matters because it goes to the issue of the potential to have our rights waived. I am also advised that it is the position of the government that the effect of this amendment, if passed, will be to neither extinguish nor enliven any right of action that a member of the Guardianship Board holding office when the Guardianship Board is dissolved may have.

As to any employment entitlements, accordingly, the bill will remain silent as to any cause of action that may or may not arise as a result of the termination of any contract of employment, agreement or arrangement relating to the office formerly held by that member. The result of this will be that any right of action would be a matter for determination by the courts. So, on this basis, we are obviously seeking the support of members.

The Hon. S.G. WADE: The minister is willing to give us that assurance. The parliament needs to know if that is an assurance on the basis of bureaucratic advice, political advice or legal advice, because the parliament might be much more concerned about passing legislation where it has only been offered political advice.

The Hon. G.E. GAGO: I am sure the honourable member will understand why I am answering the question in this way. That is, it is the government's view and, clearly, I am not prepared to go into any other further details for fear of it impacting on our ability to have our privilege waived.

The Hon. S.G. WADE: I am not comfortable with the minister's answer, because the minister seems to consistently want to focus on potential litigation. This is about considerations of this parliament and, if we are talking about legal professional privilege, I do not know if it even attaches to advice given to a minister in the passage of the parliament. I would not have thought that a parliamentarian would normally have their advice being able to be seized. The fact of the matter is that we are not asking about any litigation that may be threatened by any member. All we are asking is: what legal advice have we had about the impact of the bill that we are being expected to pass?

The Hon. G.E. GAGO: Unfortunately, I cannot reveal the nature of any legal advice.

The Hon. J.A. DARLEY: Can I just confirm that the effect of the amendment is consistent with the advice given?

The Hon. G.E. GAGO: I cannot give any further detail in relation to legal advice.

The Hon. B.V. FINNIGAN: I appreciate that the minister is trying to negotiate a minefield here in not wanting to indicate a government position in relation to something that may be a course of action in the future but, if I understand it correctly, I think she has indicated that, based on crown law advice, the Crown takes the view that the amendments passed by the Legislative Council do not obstruct or enliven any rights of persons who are members of the Guardianship Board. If that is the case, what is the basis of the opposition by the government?

The Hon. G.E. GAGO: Can you clarify that question? We are not sure we understand. Can you ask it again, please?

The Hon. B.V. FINNIGAN: My question was that if the government opposes the original amendments passed by the Legislative Council—that is, the government does oppose them—that is based on crown law advice that the provisions that the council passed do not enliven any rights or courses of action by current or past members of the Guardianship Board. What then is the basis for proposing the original amendments? Essentially, if the Crown takes the view that there is no legal effect, then what is the basis of opposition?

The Hon. G.E. GAGO: Firstly, you have made an assumption that it is based on legal advice. We cannot accept that for obvious reasons. I am not too sure of the rest the question; we are just trying to work through it.

The Hon. J.A. DARLEY: Once again I apologise, but when I came in I thought I heard reference to the fact that the Hon. Mark Parnell had read out the letter from David Meyer—

The Hon. S.G. Wade interjecting:

The Hon. J.A. DARLEY: To the Premier, okay. I am advised that the Attorney has had the opportunity to consider this letter. My questions are: could the minister advise what advice she has received in relation to this letter from the Attorney? In particular, what advice has the Attorney provided in relation to the suggestion that no mention was made of the fact that the government was contemplating abolishing the position in question, and that the successful applicant would not hold the position for five years? Secondly, could the minister also advise why it was that Mr Moore was not advised he would not hold the position of president for five years? Lastly, could the minister

advise why the government did not seek to address this issue by seeking to amend, or at least flagging amendments to, the guardianship act prior to the appointment process?

The Hon. G.E. GAGO: Can I just clarify that the letter the Hon. Mark Parnell read onto the record was the letter of 19 November?

The Hon. J.A. DARLEY: The 13th—sorry, 11 November.

The Hon. S.G. WADE: My understanding was the letter was the letter of the 19th.

The Hon. M.C. PARNELL: For completeness, I should have said that the letter I read into *Hansard* was dated 19 November and it was addressed to the Hon. John Darley.

The Hon. G.E. GAGO: I have been advised that we have not seen that letter.

The Hon. J.A. DARLEY: Perhaps I will read the letter. The letter refers to the speeches made by the Attorney-General in the other place on 11 November and suggests that the matters referred to by the Hon. Mr Rau do not give a complete explanation of the true situation regarding Mr Moore's support for the SACAT. The letter was dated 13 November to the Premier. The letter provides:

> Prior to the 11th February 2013, an advertisement for the position of the President of the Guardianship Board was published in a newspaper, and advising that applications closed on 11th February 2013. An application package was issued by the government of South Australia. The applicant is advised that the position of President is for a period of 5 years, and that the appointed person can only be removed from office on the grounds which are set out in section 9 of the Guardianship Act.
>
> No mention is made of the fact that the government is contemplating abolishing the position, and that the successful applicant would not hold the position for 5 years. If that was a possibility that could arise with the establishment of a new tribunal, it would appear to be misleading if that information was not disclosed.
>
> I am instructed by Mr Moore that at no time during the application and interview process was any mention made that the appointment may be terminated by the government within 5 years.

The letter goes on to provide:

> Mr Rau advised parliament that the Act required the appointment to be made for 5 years. Clearly, it was in the power of the government to seek to amend the Guardianship Act to reduce the period of appointment for the President. If that had been done before applications for the position were sought in February 2013, there could be no ground for complaint. There is no basis for treating Mr Moore differently to any other applicant for the position, all of whom would have believed the appointment would be for a period of 5 years.

The Hon. G.E. GAGO: The plot thickens. I am advised that a similar letter to that which you have just read out, dated the 19th, was sent to the Premier, dated 13 December. So, it is similar matters.

Members interjecting:

The Hon. G.E. GAGO: November. I am advised that in relation to that, the government's response is that references made to the recruitment process within the letter of 14 November 2014 are correct. The Guardianship and Administration Act, at section 7(3), sets out that the president must be appointed for a term of five years. As at this stage, no final decision had been reached as to whether or not a SACAT would be established. The recruitment process proceeded on the normal basis. As to Mr Moore's knowledge of the government's plan to establish a SACAT, I refer to the Attorney-General's comments in the other place on that issue.

The Hon. M.C. PARNELL: I will keep the show going here. I think that to a certain extent we have a mixture here of the legal and the moral. The minister is absolutely correct; if it says in the act that a person is to be appointed for five years, they have to be appointed for five years, but that does not mean that you need to hide from someone the fact that the job might not go for five years. Whilst I accept what the minister said, that a final decision had not been made about whether the job was going to go for five years or whether the SACAT would be formed, I do not believe that there was not already considerable work underway to create the ICAC and that the Guardianship Board was going to be the first cab off the rank.

An honourable member interjecting:

The Hon. M.C. PARNELL: SACAT, what did I say? Sorry, too many bills! I personally have no doubt that at the time they were interviewing and working out who should get this five-year contract that there was already work being done, and I think that whilst a final decision had not been made, deep down I think the people involved knew that this is probably not going to be a five-year job because we are going to have a SACAT.

That is just my perception of it and I am not at liberty to put on the record all of the hearsay information I have but that is certainly my understanding. So the question is, I guess, whilst it might have been an obligation to appoint for five years, what the government should have done is, that in the written contract of employment they could have put in a clause which said that, in the event that the position is abolished because the Guardianship Board is abolished, this is what happens.

They could have written that into a contract of employment and the government chose not to do it. Instead the government chose to just keep 'mum' and to allow someone—and we are starting to get into equity here I guess—to rely on the goodwill of a government, a written contract which was for a fixed five-year term which, it turns out, was never to be. So I come back to the principle that I started with: they could not have ended the position without compensation if not for the SACAT bill. In other words, if they just did not like someone anymore and decided to sack them, they would have had to go through some process and pay some compensation and, so, effectively, come back to where we started.

The parliament is being asked to do something that the executive itself could not have done. You could not have sacked the president of the Guardianship Board without compensation if not for the SACAT bill. We now have a SACAT bill and that does the job. It gets rid of the Guardianship Board, and it gets rid of the president. All the Legislative Council is saying is that, in terms of natural justice, anyone who does have the benefit—and I think we are talking about the written contracts of employment. I have had no shortage of people, the sessional ones who have lost their jobs as well, and I have had to say to them, 'I am sorry, you have not got a written contract of employment and you are not guaranteed any minimum hours of work.'

With the sessional people, whilst many of them work the same hours every week and they have their regular Tuesday and Thursday shift, it was never guaranteed, and so their rights are a bit trickier because whilst they might have had an expectation borne out of practice that they had two days a week work at the Residential Tenancies Tribunal or the Guardianship Board, they did not have it in writing, it was not guaranteed, and there is nothing to stop either of those bodies reducing their hours to zero and there is nothing they could do about it.

I think the big difference is—and certainly Mr Moore is the one who people have been talking about, and I do not know whether there are any others who had a written document signed with the words 'contract of employment' written on the top, you know, it looks like a contract, smells like a contract, tastes like a contract—that natural justice says that they should be in no worse position than if they had been prematurely removed from their post without SACAT being an influencing factor.

So whilst I appreciate that discussions are still underway, my current position is that I am not yet convinced. I have said publicly that in some ways I am a little bit astounded that such an important reform—and I think we are now all on board and we all want this new body to be established and yet it is dragging on for want of a fairly simple amendment and I cannot see why this should be delaying the passage of the entire bill. We just need the government to say on the record that the rights that contract holders would have had if their jobs had been prematurely cut short should still exist notwithstanding the bill, and if we can get that on the record we may be ready to go.

The Hon. G.E. GAGO: I have already outlined that, so I will not repeat myself. This will be a matter for the courts. If there is action taken, the matter would be sorted out in court. So, people's rights would be upheld in that way, and the government thinks that is a fair and reasonable way to have these matters settled.

The Hon. J.A. DARLEY: I have to admit that I am not completely satisfied either, and therefore I suggest that we report progress.

Progress reported; committee to sit again.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 November 2014.)

The Hon. S.G. WADE (16:42): I intend to make very brief comments today, particularly in the context of how I would suggest to the council that parliamentary consideration of ICAC legislation might proceed. When the serious and organised crime legislation was before the parliament, the opposition suggested, at the suggestion of a stakeholder, that there be a crime and public integrity policy committee. It did not have those words, but those words came later.

There were two distinct themes. One was to look at serious and organised crime and the other was to look at corruption, and it was considered important by the parliament that, in both spheres, we made sure that our legislative framework remained up to date. In that regard, I understand that the Hon. Bernard Finnigan did some of the early work on the legislative framework, and I acknowledge that.

As a member of the newly-formed Crime and Public Integrity Policy Committee, one thing that surprised me was that the process that is in train at the moment is that the potential changes to the legislation are put by the commissioner to the Attorney. I would be suggesting to the parliament, and I certainly will raise it in the committee, that at the very least it might be appropriate that any suggested legislative reforms are put to both the Attorney and the committee at the same time.

The fact of the matter is that the legislation is committed to the Attorney-General: it is not owned by the Attorney-General, and the whole parliament has an interest in making sure that our governance framework, our public integrity framework, is at the best level possible. It would be fair to say that my conviction in that belief has been strengthened by the slowness of the progress of the reforms that are before us in this bill today.

We have had public reports from the first half of the year that these issues were being suggested for reform, and at its most recent meeting the Crime and Public Integrity Policy Committee did have the legislation available to it, but I think it would be good process for that committee to be part of the conversation from the earliest moment, and also it would be an element of accountability on the government. If the Crime and Public Integrity Policy Committee receives requests for legislative change from the commissioner, or for that matter from any other stakeholder, then they can hold the government accountable for progressing those changes.

I, for one, am very keen to make sure we keep our framework fresh, and I am very concerned that it has taken so long for this matter to come before the house. Having said that, forgive me if my memory fails me, but my recollection from the questions I asked Commissioner Lander at the recent committee hearing related to whether he was fully involved in the development of this bill, whether there is anything in the bill that he did not suggest, and whether he supports the bill. I hope that I have not misconveyed his view. In any event the opposition supports the passage of this legislation.

The Hon. M.C. PARNELL (16:46): I will just make a brief contribution, because this is a challenging issue for us, not in relation to the content of the bill, which I think has been borne out of the experience of the last year or so of the ICAC legislation. The commissioner has recommended some changes, and those changes are now being implemented. But, of course, the challenge is, especially for those of us who are not government, that we hold very dear the procedures of this place, which are borne out of common sense principles, I think, that all legislation should go through proper scrutiny. That principle manifests itself in the unwritten but nearly always adopted principle that we do not vote on a bill in the same parliamentary sitting week in which it has been introduced.

We have only had this bill for a couple of days, but like all rules we have to judge whether or not there are exceptions and whether the exceptions justify our giving ground. The nervousness is always that, if we give an inch, they will take a mile, and before you know it every week bills will be so terribly urgent that they have to be voted on straightaway. All of us would resist that most strongly.

What we are missing out on, I guess, if we proceed with this bill today, is the ability to consult stakeholders and the ability to get any independent advice on the meanings of the various clauses in the bill, but on the other hand we have had a briefing from the commissioner today, and there are reasons why it would be not just convenient but potentially money saving (and perhaps other reasons as well that I will not go into) if this bill were to pass today (before the end of November), and that will assist the commissioner greatly in his work. So, that is the trade off.

The commissioner wants the bill to go through and has provided some pressing reasons why that is a good outcome. We are naturally reluctant to let it go through because we have not had time to consider it properly, so that is the dilemma we face. When we get into committee I will ask some questions of the government. We are happy to proceed with it today—I will put people out of their misery—but what I would like to know (and it follows from the Hon. Stephen Wade's contribution), is whether our preparedness to breach with protocol is in some measure dependent on the government not having just been slack. One of my questions, and I will foreshadow it now, is—

The Hon. R.I. Lucas: 'Are you slack?'

The Hon. M.C. PARNELL: My question is not, 'Are you slack?', as the Hon. Rob Lucas rudely interjects. My question will be: how long as the government known, and could they have got it out of the House of Assembly faster and got it to us faster so we could have had two sitting weeks to deal with it? Regardless of the answer, even if the answer is, 'Yes, we were slack; it sat on someone's desk and they went on holidays,' or whatever, that does not mean we cannot still proceed with it, but I would be interested to know for future reference how long these things take and how long they should take.

Even if the government has been slack and have taken longer than it should have getting this bill to us, it is not my intention today to punish it for that. It is also not my intention to allow this to become a precedent, and I certainly do not want to see the situation where we basically forgo our ability to properly scrutinise legislation, that we do it on faith. So, this is a, 'Don't do it again, please,' but for now we are happy to see the bill proceeded with today.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:50): I do not believe there are any other second reading contributions in relation to this bill, and I thank members for their contributions and support for it. As a result of some confidential briefings, we obviously consider this matter to be urgent. I certainly agree with the Hon. Mark Parnell: convention in this place is there for a reason, and it is to ensure that there is adequate time for all members in this place to familiarise themselves with the legislation and to consult broadly.

The government would only ever ask that convention be overlooked if there were urgent and pressing reasons, and we believe in this case there are, and those reasons have been explained to honourable members. I can assure honourable members that this is not the beginning of a slippery slope. As I said, as leader of this house I defend not necessarily all of the conventions, but most of them. Most of them are there for good reason, and I certainly defend the convention of matters being on the *Notice Paper* for a suitable period of time.

This bill makes important changes to facilitate operations of the ICAC and to clarify the protections and obligations of public officers and public authorities under the ICAC Act. The operation of the act for some 12 months has provided sufficient opportunity for the commissioner to detect those areas where improvement and refinement is required.

The Attorney-General in the other place foreshadowed an amendment to section 46 of the ICAC Act; however, given the urgency of this bill, the government will not be proceeding with that amendment at this time, but it intends to return in the new year with a further bill to amend the act in terms of that foreshadowed amendment. Again, the government wants to put on the record that it very much appreciates the cooperation of members in providing speedy passage of this bill through the parliament.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: In the context of the Hon. Mark Parnell's questions about how long the government has had, could the government advise the dates of the letters that it received from the ICAC commissioner with the suggested amendments?

The Hon. G.E. GAGO: I am advised that there are a number of pieces of correspondence but, basically, they were all amalgamated or covered in one main piece of correspondence that is dated 8 May.

The Hon. S.G. WADE: I thank the minister for that, because my recollection was that *InDaily* might well have covered the May correspondence. I just make the point to the Hon. Mark Parnell that, it now being the 11th month and May being the fifth month, I think there is a case for the government to answer that they may well have been tardy.

The Hon. G.E. GAGO: I have been advised that we have been negotiating with the commissioner throughout all of that period and redrafting at the request of the commissioner, so the government takes offence at those comments. We believe we have been—

Members interjecting:

The Hon. G.E. GAGO: I am still on my feet.

The CHAIR: Order! The minister has the floor.

The Hon. G.E. GAGO: As I said, I am advised that we have been in negotiations with the commissioner throughout that period, and redrafting has been occurring throughout that period.

The Hon. S.G. WADE: I would ask the minister to reflect as a member of this Legislative Council whether she might take offence that this council has been given such a short amount of time to consider legislation—is it one day or two days?—when the government has had six months. I would ask her to perhaps take less offence as a government minister and perhaps more offence as a legislative councillor.

The Hon. D.G.E. HOOD: I would just like to place a few thoughts on the record, if I may. This is my ninth year in this place and, as members would know, during that time, I do not think I have ever voted against a single law and order measure that has been presented to this chamber. I have no intention of that changing in the future, but I am very nervous that we are passing what is very significant legislation—we are talking about ICAC legislation—and the fact is I have not even read this legislation. I have not had time to read it.

Quite simply, it was received by the chamber on the Tuesday afternoon of this week. The normal course of events is we deal with the matters before the chamber this week, and then I would read and prepare myself next week for the debate in the following week. I am sure I am not the only member in this place who has not even had the chance to read this legislation.

We are talking about a body which has very substantial powers. I wish to make it very clear that I cast no aspersions on the commissioner himself or the ICAC body itself, but I am sure members would agree that this is very substantial legislation and the process is a long way from perfect. That being said, it seems that this bill will pass today, and I have a couple of questions of the minister, if that turns out to be the case.

The first question results from a conversation with the commissioner himself this morning about the likelihood of an amendment to provide a check, if you like—again, casting no aspersions on the current commissioner—on potential future commissioners who may overstep the mark. What is the government's attitude towards an amendment which would provide a complaint mechanism or an appeal body or something of that nature, as they have in every other state, as I understand it, other than South Australia? That is my first question.

The Hon. G.E. GAGO: I am advised that it is something that the Attorney has not looked upon in a particularly enthusiastic way to date. However, obviously these matters have not yet been

finalised, and we have indicated that amendments will be committed early in the new year. There is opportunity, but I am clearly not trying to raise your expectations.

The CHAIR: Do you want to ask your questions, Mr Hood?

The Hon. D.G.E. HOOD: I will ask them a little later on, sir.

The CHAIR: The Hon. Mr Darley.

The Hon. J.A. DARLEY: Thank you, Mr Chairman. I, too, share the concerns expressed by the Hon. Stephen Wade, the Hon. Mark Parnell and the Hon. Dennis Hood. However, I do believe it is a matter of importance, and that is the reason I am prepared to proceed with it today.

Clause passed.

Remaining clauses (2 to 28), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 November 2014.)

The Hon. A.L. McLACHLAN (17:02): I rise to speak to the Statutes Amendment (Attorney-General's Portfolio) Bill. The bill was introduced by the Attorney-General on 23 September 2014 to remedy minor errors, omissions and other deficiencies identified in various acts within the Attorney-General's portfolio. There are some uncontroversial elements of the bill, which I will speak on first. The first of these are amendments to the Burial and Cremation Act 2013.

Under the current act there is an obligation for two doctors to certify the death of a person before a cremation permit can be issued. It is a requirement that one of these doctors is the deceased's treating doctor immediately prior to death. The proposed amendments will permit that, when the treating doctor is unavailable, the death certificate can be signed by a medical practitioner who has examined the body after the deceased's death. The opposition takes no issue with this amendment and will support the same.

Secondly, there is a proposed amendment to the Criminal Law Consolidation Act to amend the description of child pornography to 'child exploitation material'. I commend this amendment, as it gives it a more contemporary description and more accurately reflects the true nature and gravity of such abhorrent material. This amendment will also accord the terminology to that which is used in most other jurisdictions in Australia. The opposition supports this amendment.

Thirdly, there is the amendment to the Criminal Law (Sentencing) Act 1988. The current sentencing regime permits a sentence reduction to be granted to an offender who cooperates with the police or other law enforcement agencies. The bill before us proposes to extend this to permit the resentencing of an offender when they cooperate with police or other law enforcement agencies after they have been sentenced.

I note that the bill provides that the law that applied at the date of the offending will prevail for the resentencing, and that the sentencing principles applicable at the time will be invoked. We should bear in mind, when considering this amendment, that cooperation with law enforcement agencies enhances the possibility of catching someone who might otherwise have eluded the police

and who might be more culpable or deserving of punishment. The opposition will support this amendment.

The bill also introduces amendments to the Legal Practitioners Act 1981 making it mandatory for the Supreme Court to notify interstate regulatory authorities of any suspensions of a legal practitioner. This amendment is straightforward, sensible and one which the opposition supports.

I now turn to the more controversial elements of the bill which the opposition opposes. First, there is the amendment to the Magistrates Act to make provision for the appointment of the Acting Chief Magistrate, in the event that the Chief Magistrate is absent or unable to carry out his or her duties. Pursuant to section 7(2) of the current legislation, if the Chief Magistrate is absent from his or her duties then the Deputy Chief Magistrate assumes those duties of office.

It is due to this provision that the current Deputy Chief Magistrate, Dr Andrew Cannon, has assumed the role of Acting Chief Magistrate while the current Chief Magistrate is on leave. The bill, however, seeks to amend this current practice such that the Governor will appoint the magistrate who is to assume the role of the Acting Chief Magistrate. The government has said that the aim of this amendment is to bring certainty to the Magistrates Court hierarchy in the event of a prolonged absence of the Chief Magistrate.

Further, the government stated than in 2013 the District Court Act and the Supreme Court Act were amended to provide for the appointment of an Acting Chief Judge or Acting Chief Justice respectively. I note that the District Court Act and the Supreme Court Act had previously been silent on this issue and so it was both desirable and sensible for the government to bring to parliament the amendments to those specific acts.

It is important when considering this amendment, however, to note that the arrangements for the appointment and dismissal of magistrates are different to those for judicial officers of the District Court and Supreme Court as are, indeed, their salary entitlements. It is also important to note that, unlike the District and Supreme Courts, the Magistrates Court already has procedures in place for the appointment of an Acting Chief.

On this particular issue I echo the comments and concerns made by the Deputy Leader of the Opposition, the member for Bragg, in the other place, firstly in respect of the importance of judicial independence in our state. Furthermore, in respect of Dr Andrew Cannon (who is the Deputy Chief Magistrate and has been in that office for a number of years), he has undertaken the role of Acting Chief for months at a time and is highly regarded in the community.

When considering this amendment, members should also be aware that in recent times the government attempted to remove Dr Cannon from his position a few months before he was to turn 65 by introducing a bill reducing the compulsory retirement age for magistrates from 70 to 65. Ultimately, it was not pursued by the Attorney-General; however, it is important to bear this in mind when considering this amendment.

The government has not indicated at any stage that Dr Cannon is unable to carry out his office, and the Attorney-General has indicated in his response in the other place that he has no complaints about the way he is discharging his duty. Therefore, to the opposition, there seems to be an absence of any real justification for this amendment. The opposition remains unconvinced and will not support this amendment.

The other amendment that I indicate the opposition will oppose is with respect to the Summary Offences Act. This proposed amendment seeks to give the minister the power to temporarily exempt a class of persons from the offence of possessing, using, manufacturing, selling, distributing, supplying or otherwise dealing in a prohibited weapon. The current act allows for certain organisations, such as the Freemasons or Scottish historical groups, to have possession or put on display weapons that would otherwise be prohibited for use, in certain activities such as a march or a parade.

Under the current regime, organisations such as those can apply for an exemption when there is a special occasion. It then goes out for consultation to the police and other stakeholders. The government states however that the amendment is required to provide for a class of exemptions on an urgent or limited basis. The responses provided by the government to date have failed to

disclose any real justification or example for these exemptions to be granted or for such an expanded power to be given to the minister.

Apart from using the example of a festival or historical hobby group to participate in the re-enactment of battles, no substantial information has been forthcoming from the government, particularly as to why the minister should have the power to temporarily exempt a class of persons and permit them, for example, to manufacture a prohibited weapon. We believe that the police and other stakeholders should have the opportunity to have a say when it comes to the safety of the community, as is the case under the current regime. This concludes the comments from the opposition and we look forward to the committee stage.

The Hon. M.C. PARNELL (17:09): I rise to speak on the Statutes Amendment (Attorney-General's Portfolio) Bill 2014, and to advise the council that generally the Greens are supportive of this bill. However, there is one part of the bill that we will not be supporting, and that is part 7.

The Greens have always, in this place, supported the principles of judicial independence and secure tenure for our judges and magistrates. What this bill proposes is to alter the current practice of filling a casual vacancy in the office of the Chief Magistrate by his or her deputy. The change proposed in this bill is that the government would effectively choose a replacement, choose someone to be acting in the position of Chief Magistrate, rather than the position automatically going to the deputy.

That might appear to be a fairly uncontentious, non-controversial measure. The government has said that it is consistent with the approach taken in other courts and other jurisdictions, but what muddies the waters incredibly here is the fact that current Deputy Chief Magistrate, Dr Andrew Cannon, has had a very public and very expensive feud with a former government minister. Members will recall that a former attorney-general described him, or at least a position he had taken, as 'daft and delusional'.

The consequence of the former attorney using those words was at some expense to the taxpayer. According to media reports, the amount of taxpayer-funded compensation for that defamation was something in the order of $200,000 so it is no surprise that Dr Cannon, the Deputy Chief Magistrate of South Australia, is probably not on the Christmas card list of the former attorney-general. So when a bill comes forward that has, as its effect, making it possible for that particular Deputy Chief Magistrate to not sit in the chief's chair, you have to smell a rat.

Government staffers, who have briefed me on this bill, assure me that this has nothing to do with the current incumbent in the Deputy Chief Magistrate position; it is nothing to do with that, it is purely coincidental, they say. For mine, I do not believe them. I do not believe there is no connection and I do not believe that this particular part of this bill is necessary because, as the Hon. Andrew McLachlan said, there is already a process in place for filling the casual vacancy, and that is that the deputy steps up. In most organisations that is what happens; when the top person is away the deputy steps up. We can see no reason why that situation should be altered.

In relation to other parts of the bill, at this stage the Greens will be supporting them, but we have not yet considered the proposed Liberal amendment relating to a change to the rules around temporary exemption of certain weapons. We will have a look at those amendments and make a decision on their merits. For now, the Greens are happy to support the remainder of this bill, but we will be moving to delete part 7.

Debate adjourned on motion of Hon. J.M. Gazzola.

STAMP DUTIES (OFF-THE-PLAN APARTMENTS) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:14): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill introduces legislative amendments to extend the stamp duty concession for apartments bought off the plan to include the inner metropolitan area.

The inner metropolitan area includes apartments in developments within the area of Regency Road, Hampstead Road, Portrush Road, Cross Road, Marion Road Holbrooks Road, East Avenue and Kilkenny Road. The extended area also includes sites that are contiguous to the boundary of that area (i.e. will include sites on both sides of the bordering roads).

In the 2012-2013 Budget, the Government announced a stamp duty concession for purchases of eligible off-the-plan apartments, with the aim of encouraging higher density inner-city living in line with the Government's 30-year plan. The concession provides a full stamp duty concession for off the plan contracts entered into up to 30 June 2014 (inclusive), capped at stamp duty payable on a $500,000 apartment and a partial concession for the next two years.

In 2013, the Government announced that it will rezone some inner metropolitan areas to allow for greater residential growth. The new zones will allow new mixed commercial and residential developments in targeted inner metropolitan areas.

The Government wants to encourage multi-storey living in the inner metropolitan area and has therefore announced that it will extend the off-the-plan stamp duty concession to multi-storey developments within the defined inner metropolitan area.

The extended off-the-plan stamp duty concession will be available for buyers of apartments within the inner metropolitan region who enter into an eligible off-the-plan contract from 28 October 2013. All other eligibility criteria remain the same.

Applications for stamp duty concessions on eligible off-the-plan apartments within the expanded boundary area are currently being submitted to RevenueSA to be paid by way of ex gratia payment until the *Stamp Duties (Off-The-Plan Apartments) Amendment Bill 2014* comes into operation.

Together with the planning reforms and the Government's investment in public transport, these reforms support the Government's objective of building a more vibrant city that offers an increased choice of housing and the opportunity for more people to live centrally.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title of the measure.

2—Commencement

The measure will be taken to have come into operation on 28 October 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Stamp Duties Act 1923*

4—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

This clause sets out a series of amendments that will extend the operation of section 71DB of the Act to the purchase of apartments under an off-the-plan contract with respect to an area to be designated as Area B under these amendments (being a contract entered into on or after 28 October 2013).

5—Insertion of Schedule 3

This Schedule sets out the plan to be used for the purposes of identifying Area B under section 71DB of the Act (as amended by this Act).

Debate adjourned on motion of Hon. T.J. Stephens.

PUBLIC FINANCE AND AUDIT (TREASURER'S INSTRUCTIONS) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:15): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Public Finance and Audit Act 1987* provides the framework for the financial management of public finances. The ability for the Treasurer to issue instructions binding public authorities is central to providing a framework that advances accountability, integrity and transparency for the benefit of the State. This Bill clarifies matters relating to the application and scope of Treasurer's Instructions and makes minor amendments of a statute law revision nature

The main purpose of the Bill is to make it clear that a general provision in an Act establishing a public authority, such as a power to enter contracts (or even a more specific provision such as a requirement to have a particular body approve a contract), will not override a requirement of Treasurer's instructions applying to the public authority, for example, requiring an approval of the Treasurer or delegate to be obtained for entry into a contract. While these matters can be clarified in relevant charters and directions for particular bodies, the amendments are designed to improve general understanding about the relationship between Treasurer's Instructions and provisions of an Act providing a public authority with functions and powers.

The opportunity is also being taken to clarify the scope of Treasurer's Instructions so that it is clear that they may regulate any matter related to the receipt, expenditure or investment of money, the acquisition or disposal of property, or the incurring of liabilities, by the Treasurer and public authorities.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Public Finance and Audit Act 1987*

3—Amendment of section 4—Interpretation

This amendment adds a definition of property to make it clear that it includes any type of property including contingent rights.

4—Amendment of section 5—Receipt of public money

This amendment is consequential on including both real and personal property within the definition of property.

5—Amendment of section 41—Treasurer's instructions

The addition of paragraph (f) to subsection (1) is designed to ensure that Treasurer's Instructions may regulate any matter related to the receipt, expenditure or investment of money, the acquisition or disposal of property, or the incurring of liabilities, by the Treasurer and public authorities.

New subsections (4) and (5) clarifies that Treasurer's instructions may refer to standards etc published by the Australian Accounting Standards Board or Standards Australia.

Subsections (6) and (7) are designed to ensure that a public authority's powers and functions are read subject to Treasurer's instructions. It is only if it is not possible to comply with both the Instructions and the authority's Act, that the Instructions give way.

Schedule 1—Statute law revision amendment of *Public Finance and Audit Act 1987*

The Schedule contains further amendments of the Act of a statute law revision nature.

Debate adjourned on motion of Hon. T.J. Stephens.

At 17:16 the council adjourned until Tuesday 2 December 2014 at 14:15.