

**LEGISLATIVE COUNCIL****Tuesday, 17 March 2015**

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:17 and read prayers.

**The PRESIDENT:** We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia and their connection to the land and community. We pay our respects to them and their cultures and to elders both past and present.

*Parliamentary Procedure*

**PAPERS**

The following papers were laid on the table:

By the President—

Auditor-General's Report on the Adelaide Oval Redevelopment, pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011.

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

City of Mount Gambier—Local Heritage and Lakes Zone Development Plan Amendment Regulations under the following Acts—

Community Housing Providers (National Law) (South Australia) Act 2013—  
Variation

Fees Regulation Act 1927—Public Trustee Administration Fees  
Guardianship and Administration Act 1993—Warrant Application Fees  
South Australian Civil and Administrative Tribunal Act 2013—  
Tribunal Administration

Supreme Court Act 1935—SACAT Substitution

Rules of Court—

Magistrates Court—Magistrates Court Act 1991—Amendment No. 53

Rules under Acts—

Legal Practitioners Act 1991—Legal Practitioners Education and Admission  
Council 2004—Amendment No. 7

South Australian Civil and Administrative Tribunal Act 2013—Amendment No. 1

By the Minister for Business Services and Consumers (Hon. G.E. Gago)—

Regulations under the following Acts—

Residential Parks Act 2007—Revocation of Regulations

Residential Tenancies Act 1995—Revocation of Regulations

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

Reports, 2013-14—

Carrick Hill Trust

South Australian Film Corporation

Regulations under the following Acts—

Advance Care Directives Act 2013—Revocations and Referrals

Consent to Medical Treatment and Palliative Care Act 1995—

Resolution of Disputes

Health and Community Services Complaints Act 2004—Definition of  
Community Service

Major Events Act 2013—Liverpool FC v Adelaide United

Mental Health Act 2009—Rights—Scale of Fees

Natural Resources Management Act 2004—Variation—Harvesting

## Retirement Villages Act 1987—Termination of Rights

*Parliamentary Committees***NATURAL RESOURCES COMMITTEE**

**The Hon. G.A. KANDELAARS (14:20):** I bring up the report of the committee on the Kangaroo Island NRM Region Fact Finding Visit dated November 2014.

Report received.

*Ministerial Statement***TRANSFORMING HEALTH**

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:21):** I table a copy of a ministerial statement made earlier today in another place by my colleague the Minister for Health entitled Delivering Transforming Health: Our Next Steps. Alack and alas, I forgot to table a document associated with the ministerial statement. Here it is: Transforming Health, which I now table.

*Members interjecting:*

**The PRESIDENT:** Order! We have more important things to do.

*Parliamentary Procedure***ANSWERS TABLED**

**The PRESIDENT:** I direct that the written answer to a question be distributed and printed in *Hansard*.

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** The Hon. Mr Maher, your leader is on her feet.

*Question Time***TAFE SA**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24):** My question is to the Minister for Employment, Higher Education and Skills. I would like the minister to listen.

1. Can the minister confirm that her department sought advice from the Crown Solicitor's Office regarding potential legal and financial implications of conflicts between the Skills for All funding model and the competitive neutrality provisions of the commonwealth Competition and Consumer Act and the COAG National Partnership Agreement on Skills Reform?

2. What have you done with that advice, minister?

3. Does the advice show that TAFE SA cannot compete in the VET space without large, indefinite taxpayer subsidies?

**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 thank the honourable member for his most important questions. It would be most inappropriate for me to discuss any crown advice that I have or have not received. I seek advice from a range of different sources when considering decisions, so it would be most inappropriate to be discussing what I may or may not have sought directly from crown. But in a general way I can certainly talk about the importance of the role of TAFE SA as a training and educational institution. It is an incredibly important part of our VET sector. It is, if you like, the centrepiece of our VET sector. It is renowned not only for high quality training provision but also as cutting edge in a wide range of different ways. If you look at its development out there at Tonsley, some of its achievements there are absolutely international cutting edge.

TAFE SA is also highly renowned for its activity in the international student space and international training space. It is not just about bringing over international students to train them but

it also offers Train the Trainer programs and also curriculum development and suchlike. It always impresses me when I travel overseas. One of my recent objectives was to assist in promoting training at our higher education facilities here in South Australia to open up new international markets. We did quite a bit of work in the TAFE space overseas, and it was just astounding. It did not matter where we went, people overseas, in particular in India but also in China, knew of TAFE SA and held it in really high regard and spoke very highly of it. So, it is a very important facility.

As I said, not only does TAFE SA provide excellent quality training but, more importantly, it provides training in a number of very unique areas, particularly some of those areas that are extremely high cost in terms of equipment and other technology but also in terms of meeting training needs in country areas, where the commercial benefits are much less and where private providers do not tend to operate because it is not as commercially viable. We know that TAFE carries these extra burdens. They operate as additional costs to TAFE, so it is not surprising that the TAFE costs are higher than those of private providers.

TAFE infrastructure burdens are much larger and, as I have said, they tend to operate in very high-tech areas, where there are high levels of very expensive equipment needed, and they operate in regional areas where many private providers do not operate. I think that their costs at the moment are operating at around 2½ times those of the private sector, and we know that TAFE is working hard to reduce that differential. Also, TAFE carries a community service obligation in terms of training on the APY lands, and that is additional cost as well but, again, hardly an area that commercial operators would find particularly financially viable.

As I said, they carry these additional burdens and cost pressures. It is not surprising that their costs are somewhat higher. I know that they are working to reduce that differential; however, as I said, they are a critical service provider in our VET sector and are highly renowned for their fabulous quality training.

#### TAFE SA

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30):** I have a supplementary question. Has TAFE been specifically made aware of its responsibilities with regard to separating its community service obligations and the provision of standard courses with which it competes with privately-owned RTOs?

**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) (14:30):** Yes, TAFE is well aware of its responsibilities. One of the things that I discussed with both DSD and TAFE is that there are many grey areas. Our community service obligation is pretty obvious at the moment in terms of Aboriginal services, but there are many elements of community service obligations that are entwined throughout the activities that TAFE, in particular, undertakes—and some of the RTOs do, as well.

They are particularly courses that really go to issues of access and equity, to assist people often in those very early first steps, so they might not be directly related to training, but without these activities those particular individuals—and obviously they are our most disadvantaged and often disenfranchised individuals—would simply never be able to take that first training step.

I have talked to both the agency and TAFE and said that I think we should be able to articulate that sort of activity in a much more transparent way because it is integrated, if you like, within the cost structures of training per se. There is some work in progress and it is something that I would like to achieve to ensure that whether you call it a community service obligation or a social justice component or whatever we might call it, I believe that we can do much better in being able to articulate that more clearly and account and report for it more transparently.

#### TAFE SA

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32):** I have another supplementary question. Is the minister aware or has she been advised that TAFE SA is liable to incur financial and legal penalties for breaches under the Commonwealth Competition and Consumer Act?

**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):** For what?

**The Hon. D.W. RIDGWAY:** For competing in the private sector; anti-competitive?

**The Hon. G.E. GAGO:** I am not aware, and if the honourable member has any detailed information that he would like to show me or any problems that he believes he has uncovered, I would be very pleased to see them. Really, TAFE SA is a model training institution. It is the largest TAFE—

**The Hon. J.S.L. Dawkins:** In South Australia?

**The Hon. G.E. GAGO:** In Australia, Mr President. This is how ignorant the opposition is.

**The Hon. J.S.L. Dawkins:** Rubbish!

**The Hon. G.E. GAGO:** Rubbish, he says. The Hon. John Dawkins says rubbish—

**The PRESIDENT:** The Hon. Mr Dawkins.

**The Hon. G.E. GAGO:** —that our TAFE SA is not the largest TAFE organisation in Australia. He says 'rubbish'. That's how ignorant they are. They do not even acknowledge the achievements of TAFE, let alone understand how it operates, and dare to come into this place bagging TAFE SA and putting it down—the largest TAFE organisation facility in Australia.

That is because we have shown leadership and vision with what was many TAFE businesses—originally I think there were about 13 or so. We brought those into three businesses and then amalgamated them into one TAFE SA. It created huge efficiencies, much better coordination of services, much greater articulation between activities, less duplication, less replication, and much greater efficiency.

Do they acknowledge those achievements? No. They come in here bagging and putting down TAFE South Australia. It is a model institution. Other states aspire to the sort of achievements that TAFE SA have delivered. They aspire to that, because in most jurisdictions TAFEs are still numerous small businesses scattered throughout the states, poorly articulated and poorly coordinated activities, with lots of inefficiencies in them. They look at us and say, 'Wow, look what South Australia has done.' Is that acknowledged here? No: I am told it is rubbish that TAFE SA is a leader nationally. It is a leader nationally. What does the opposition say? 'Rubbish!'

#### TAFE SA

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:35):** By way of further supplementary; sorry to prolong things. Could the minister take on notice whether she has or has not received advice? Does the crown law advice, that she does not know whether or not she has received, advise that TAFE SA could be open to legal action by private competitors or competitors in the VET market for damages as a result of anti-competitive practices?

**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) (14:35):** I have answered both those questions very clearly, and again they are misleading and dishonest in this place. I did not say that I did not know: I said that it was completely inappropriate for me to comment on what advice I do or do not get. This is how they misconstrue and mislead, and it is a dishonest activity. I have indicated that I receive a great deal of information from a wide range of sources in making a decision. I have indicated that if the Hon. David Ridgway has any information about inappropriate activity that TAFE is participating in, let him bring it to me, let him show it, and not sit there putting down and bagging TAFE SA. If he really has an issue of concern, why has he not brought it to me?

**The Hon. D.W. Ridgway:** I just did.

**The Hon. G.E. GAGO:** Here in question time! How dishonest is that? If he really has a concern, as I said, let him bring that information to me and make me aware of it.

**NATIONAL PARKS**

**The Hon. J.M.A. LENSINK (14:37):** I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about removal of rubbish bins from national parks.

Leave granted.

**The Hon. J.M.A. LENSINK:** On 6 March 2013 the minister advised that his department had removed rubbish bins within the Innes National Park, allegedly to avert illegal dumping. In January this year the department appears to have been erecting signage, which recreational fishermen in particular find offensive. The sign reads as follows: 'If you wish to keep fishing at this beach, you must remove rubbish from the beach and car park.'

Furthermore, I am advised by a constituent in the electorate of the member for Morialta that last month in Morialta Conservation Park rubbish bins have also been removed. The constituent reports that visitors have been overwhelmed by the number of doggy bags left along walkways where bins used to be and waste left where visitors have obviously been picnicking, to the point where the park is resembling a rubbish tip. My questions to the minister are:

1. Can he advise how that sign in the Innes National Park will be enforced on recreational fishermen?
2. What evidence does the government have that the removal of rubbish bins actually reduces rubbish in our national parks?
3. What have been the trends in litter and rubbish in national parks since bins have been removed?
4. Can he rule out that this is actually a cost cutting exercise by his department?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:38):** I thank the honourable member for her most important question. It is, on the face of it, an odd proposition, but the advice from my department is that, where we have bins in place in national parks, there is illegal dumping. People are not particularly careful about what they do with rubbish but, when we remove the bins, more people take rubbish away with them rather than dump it in car parks, for example, or on the beach. In relation to the signs that she says some people find offensive, the offence really is illegal dumping. Whilst most fisher people value the resource they are using—

**The Hon. J.M.A. Lensink:** That is exactly right—that is the point.

**The Hon. I.K. HUNTER:** Most do, but some don't. That is why we need to remind people about their obligations and responsibilities and to look after our national parks, our great state assets. The fact is that some people don't, and we need to work with communities to proactively educate people about why they need to be constantly vigilant about rubbish. As I say, the advice I have from my department—which was oral—has been that where we have removed bins in remote locations—

**The Hon. J.M.A. Lensink:** Morialta?

**The Hon. I.K. HUNTER:** I am talking about remote locations in Innes National Park. Where we remove bins from remote locations, the amount of rubbish that litters carparks and other places that tourists like to frequent drops. Where we have bins in those places, in fact, when people can't get enough rubbish into the bins they just drop it beside the bins. When we remove the bins, people take their rubbish with them. That has been the experience that has been conveyed to me in advice. In relation to the Morialta Conservation Park, I have not received any advice that I can immediately recall.

**The Hon. R.L. Brokenshire:** Innes.

**The Hon. I.K. HUNTER:** I have already spoken about Innes, Mr Brokenshire. If you resisted your past practices of not listening to answers in this place you would have heard my response. But in terms of Morialta Conservation Park, to the best of my recollection I can't say I have had any

advice at all from my department about that. I will undertake to question them on that issue and, if necessary, bring back a response.

**The Hon. J.M.A. LENSINK:** Supplementary question.

**The PRESIDENT:** Supplementary question, Ms Lensink.

#### **NATIONAL PARKS**

**The Hon. J.M.A. LENSINK (14:41):** When the minister brings back that response, would he also mind bringing back to the parliament whether there is actually cost saving or an expenditure in relation to bin removal?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:41):** I have answered that question and I suggest she reads my answer in response to that matter.

#### **ABORIGINAL HERITAGE ACT**

**The Hon. T.J. STEPHENS (14:41):** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about the review of the Aboriginal Heritage Act 1988.

Leave granted.

**The Hon. T.J. STEPHENS:** Back in 2008, the now Premier announced a review of the Aboriginal Heritage Act 1988 to address the anachronisms related to native title and land management. The government undertook an extensive public consultation process which was completed by the end of April 2009. I asked a question of the minister's predecessor back in October on this very issue to which he said there would be even more consultation and that new legislation would be drafted over the ensuing 12 months. My questions to the minister are:

1. Why has it taken the government seven years to consult and decide on this issue?
2. Is the minister happy with this level of progress?
3. What has caused the protracted delay?
4. When can we expect to see a draft bill?

**The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:42):** I thank the honourable member for his question and his interest in these matters. As the honourable member knows, Aboriginal heritage and the operation of the Aboriginal Heritage Act is a very complicated area and many people have many views. It is recognised that things could be better both for Aboriginal people seeking to protect their heritage and also other stakeholders who deal with the Aboriginal Heritage Act. I will be happy to take on notice for the member exactly where the review is up to and at what stage any legislative changes that may follow from that may be introduced.

#### **AMAZING AMBASSADOR CAMPAIGN**

**The Hon. J.M. GAZZOLA (14:42):** I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills, a question about the Qingdao Amazing Ambassador campaign.

Leave granted.

**The Hon. J.M. GAZZOLA:** I understand that during a visit to China in October last year, the minister launched this campaign that aimed to raise awareness of Adelaide as a study destination. Minister, will you provide the chamber with an update on how the campaign is progressing?

**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) (14:43):** I thank the honourable member for his important question. Indeed, I was very pleased to be able to officially launch the Amazing Ambassador, Unforgettable Experience—Adelaide—and apparently that title translates very well in Chinese, but it

is a bit of a mouthful in English, I have to say—Australia and Qingdao Sister City Student Ambassador Recruitment Campaign during my visit to China in October last year.

China is South Australia's premier market for international students. For the full calendar year 2014, there were over 11,700 Chinese students enrolled in South Australia, which is approximately 38 per cent of South Australia's international students. The Amazing Ambassador campaign was an outcome of the South Australia Shandong high level working group's education subcommittee, along with StudyAdelaide. It aims to raise awareness of the sister city and the relationship between Qingdao and Adelaide and to grow our share of international student markets from Shandong students.

The campaign was built around a competition to recruit a student to become the Qingdao student ambassador. It consisted of online promotion through social media forums, other get-together forums and websites, as well as offline promotion including flyer distribution to various campuses in Qingdao. I can advise the chamber that the outcomes from the four-week campaign included more than 169 million reaches through social media, which is just astounding, a database of 3,700 potential students generated, over 1,700 individuals expressing an interest in studying in Adelaide and 167 referrals by education agents. At the close of the competition on 16 November, more than 800 entries had been received.

I am now pleased to advise that, following an extensive selection process consisting of representatives from StudyAdelaide, the three public universities and TAFE, Ms Wang Dan, a student from Qingdao Agricultural University, has been named the winner of the campaign. StudyAdelaide has advised me that Ms Wang was selected for her outstanding social media profile and her community engagement activity, and she is the recipient of several awards.

She presents as a young woman full of passion and enthusiasm who participates in many university activities and organises several activities herself. She is seeking to improve her English and is very keen on learning a foreign culture. She also has an outstanding social media profile, as I said, and is keen to promote South Australia to China and to the rest of the world. It is even more pleasing that Ms Wang is planning to do her postgraduate study in Adelaide, a decision she made before knowing she was actually the winner of the campaign.

The winner receives a free study trip to Adelaide, including return flights, four weeks' student accommodation, English language courses, spending money and participation in student activities, events and tours of Kangaroo Island and the Adelaide Hills and such like. Each of the elements of the prize have been sponsored by partners of StudyAdelaide. I understand that Ms Wang is expected to visit Adelaide during the Chinese school holidays in July and August 2015, and I am sure all members in this chamber wish her well for her visit to South Australia.

### VOCATIONAL EDUCATION AND TRAINING

**The Hon. T.A. FRANKS (14:47):** I seek leave to make a brief explanation before addressing questions to the Minister for Employment, Higher Education and Skills on the topic of VET private provider brokers offering schools project funding.

Leave granted.

**The Hon. T.A. FRANKS:** It has been brought to my attention that an email offering schools funding for VET enrolments has recently been sent to South Australian state schools from at least one private provider, who is a broker, offering \$500 funding inducements direct to the school for each enrolment they can procure of a student at the school in a VET course offered by that broker. The email I have viewed is addressed to careers advisers or headmasters and is titled 'Funds for school projects'. It goes on to state that this Adelaide-based company is:

...offering schools an opportunity to earn a \$500 credit towards a school project for every student who successfully enrolls in one of our Nationally recognised diploma courses in 2015.

The email goes on to outline the options for VET FEE-HELP and the range of courses that are available and states:

Many courses include an electronic study tool (a laptop) as a study incentive once the student has successfully completed a portion of the course.

It further states that:

There is no limit to the number of students you may enrol, therefore, we would pay your school a \$5,000 grant should you successfully enrol 10 students provided they pass the census date and are still active and engaged in their learning.

It then invites the school to contact them to find out more about this 'fundraising opportunity'. My questions are:

1. Is the minister aware that South Australian schools are receiving these letters with this type of inducement?
2. Could the minister indicate whether she has had communication with the Minister for Education and Child Development on this issue?
3. Could the minister further advise whether public schools are being advised to respond to such correspondence received from private providers, and if so, how?

**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) (14:49):** I thank the honourable member for her most important question. This has been an issue that we have seen recently receiving some attention in the media around Australia. I note that it was also an issue for the chief executive of ASQA who visited recently as well, which I will refer to in just a minute.

We have seen federal shadow ministers who have undertaken to write jointly to the Auditor-General seeking an urgent audit of the use of the VET FEE-HELP system. We saw that late last year. That request was as a result of media reporting of inappropriate practices. We need to say this. Presently it is only identified as a very, very small number, a minority, of training providers that are encouraging students to enrol in high-debt, poor quality courses that might be completely unsuitable to their needs and using all sorts of offers to try to lure the students into those particular courses.

The commonwealth inquiry into the operation, regulation and funding of private vocational education and training (VET) providers has included VET FEE-HELP in those particular terms of reference, and a submission to the inquiry by the Grattan Institute contains an estimate of VET FEE-HELP debt not expected to be paid or calculated as bad debt. So, they propose to contain the cost of HELP, including reducing the income threshold at which the HELP debt must be repaid as one of the controlling costs.

The South Australian government, along with other jurisdictions, has entered into an agreement, the National Partnership Agreement on Skills Reform, with the commonwealth, which reports expanding ICLs to improve accessibility to higher level VET qualifications and, under that agreement, state governments are required to contribute to the shared risk associated with that.

I also met with Mr Chris Robinson, the chief executive of ASQA, and it was interesting because they have been looking at this space very closely as well and monitoring complaints. It was interesting, because I requested from him what sort of complaints he may have heard from South Australia, and he indicated very few. He did not say none but he said very few indeed, and he actually stated that that was because here in South Australia we have much higher quality control measures put in place around our training providers, so the bar is lifted a bit higher in this state than in other jurisdictions, which tends to cull out those that are less reputable and more inclined to want to rort the system.

If the honourable member has any specific details that she would like me to follow up, I am more than happy to do that. As I said, it is unfortunate that this is occurring. It is unfortunate that with any system there are always those few who seek to rort the system and can find a way through. We obviously seek to stop those activities and tighten up provisions for students.

*Ministerial Statement*

**RETURN TO WORKSA**

**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) (14:54):** I table a copy of a ministerial statement relating to creating a sustainable and affordable workers compensation system made earlier today in another place by my colleague the Deputy Premier John Rau.

*Question Time*

### VOCATIONAL EDUCATION AND TRAINING

**The Hon. T.A. FRANKS (14:54):** Supplementary. Has this government sanctioned the ability for state schools to take funding inducements for their students to enrol in these courses, or has it issued advice for schools not to take up this unethical practice?

**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) (14:54):** I'm not aware of any activity in that space. It's not an issue that schools have raised with me and sought advice from me. Whether they've been engaging with the agency and there's activity at that level, I don't know, but it has certainly not been drawn to my attention in that way. I'm happy to take that part of the question on notice and bring back a response.

### JOB CREATION

**The Hon. R.I. LUCAS (14:55):** My question is to the Leader of the Government. Given that Victoria and South Australia are both states facing the problem of declining job opportunities in the manufacturing and car industries in particular, can the minister explain how in the last five years in Victoria total jobs of 215,700 were created in that state and in the equivalent period (five years) in South Australia under a Labor government we actually lost 6,400 jobs?

**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) (14:55):** Indeed, although the employment figures that came out most recently showed a small drop in our headline unemployment numbers, nevertheless those figures remain a concern here. We know that in South Australia we obviously have a job strategy in place that we continue to work through. We know there are many challenges, globally, nationally and also specifically in South Australia. We know that some of the global trends that are occurring, because of the small economies of scale of South Australia, tend to have a magnified effect in this state compared with larger jurisdictions, so sometimes the effects are amplified or magnified.

Of course, we are facing the closure of our Holden industry with the transitioning from a more traditional model of reliance on manufacturing to a more advanced activity. I don't know how the honourable member stands up straight in this place, given that the federal government threw us to the wolves; they really offered almost no assistance on that front in terms of assisting the industry to survive into the future. They pulled the rug from under us and have let it collapse. Not only have they done that, but in terms of the assistance—

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Dawkins, ministers and the Hon. Mr Brokenshire, please allow the minister to finish her answer.

**The Hon. G.E. GAGO:** So, not only did they pull the rug from under us, but in terms of offering assistance to help the industry transition into a more advanced manufacturing mode and assistance to help those workers, we see how begrudging they have been and how clever they have been at hiding behind various figures and hiding the truth in terms of their lack of real support to come in and assist South Australian workers. Not only that, we see again the federal Liberal Abbott government backflipping on a promise in relation to our submarines, a commitment that was given to South Australia that will mean future jobs, future industry development and activity, the very people that—

*Members interjecting:*

**The PRESIDENT:** Order! Order, the Hon. Mr Maher!

**The Hon. G.E. GAGO:** —will help us grow and secure jobs. What do they do, Mr President? They're doing secret deals with the Japanese and, clearly, have no intention of involving South Australia. I do not know how the honourable member can come into this place and have the audacity to raise these issues without noting part of the responsibility that the federal Liberal government has in our demise.

#### JOB CREATION

**The Hon. R.I. LUCAS (14:59):** Supplementary question arising out of the answer. Does the minister acknowledge that Victoria faces the same problems in relation to the declining car industry, and can the minister address the issue as to how they have managed to create more than 200,000 jobs while still confronting the same problems that South Australia has in terms of the decline of manufacturing and the car industry?

**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) (15:00):** Mr President, I believe I have already answered that question. I have already indicated that not only are there global—

*The Hon. T.J. Stephens interjecting:*

**The PRESIDENT:** Mr Stephens, you have had your question, so allow the Minister to answer.

*The Hon. T.J. Stephens interjecting:*

**The PRESIDENT:** Just relax. The minister.

**The Hon. G.E. GAGO:** I have already indicated that there are global and national pressures that are amplified in a state like South Australia. South Australia's economy is much smaller than that of Victoria and, as I said, these sorts of activities tend to be amplified in an economy that does not have the same scale as larger economies. I have already indicated that we have faced various challenges here, not only with our car industry but also I gave the example of our submarines. On both fronts, the federal Liberal government has basically sold out South Australia. It is an absolute disgrace.

#### JOB CREATION

**The Hon. R.I. LUCAS (15:01):** Supplementary question arising out of the minister's original answer: does the minister acknowledge that the Mitsubishi car plant closed down under a Labor government, and can the minister outline to the house what greater assistance was provided to industry and workers to assist transition after the Mitsubishi closure by a Labor government that was not provided under a federal Liberal government to the proposed closures at Holden?

**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) (15:02):** The Hon. Rob Lucas can try to hide behind our history but, basically, he is part of a Liberal government—

*Members interjecting:*

**The Hon. G.E. GAGO:** —that is associated with the Abbott Liberal government—their party mates, their mates in Canberra. It does not matter how he wants to couch these questions: nothing will wash his hands of the stain of the Abbott Liberal government here in South Australia leaving us high and dry. They left us high with the River Murray, they have left us high with car manufacturing and they have left us high and dry in terms of our submarine industry.

*The Hon. T.J. Stephens interjecting:*

**The PRESIDENT:** Mr Stephens, we don't need a history lesson from you at the moment. The Hon. Mr Kandelaars.

### ON-FARM IRRIGATION EFFICIENCY PROGRAM

**The Hon. G.A. KANDELAARS (15:03):** My question is to the Minister for Water and the River Murray. Will the minister update the chamber on the fourth round of the On-Farm Irrigation Efficiency Program and the positive effect this funding is having on South Australian farmers and irrigators?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03):** I thank the honourable member for his most important question. An important part of addressing the health of the River Murray is ensuring that water is used wisely and environmental water is returned to the system. Using our natural resources efficiently and well and sustainably is an essential part of safeguarding our irrigated agricultural sector (worth, I am told, about \$1.5 billion annually) as well as our world-renowned food and wine producers for the generations into the future. That is why the On-Farm Irrigation Efficiency Program, introduced by the federal government in 2009, has been so very successful.

This is a \$575 million fund aimed at assisting irrigators within the southern connected system of the Murray-Darling Basin to assist farmers to modernise and improve the efficiency of their irrigation practices. On 12 December 2014, a formal funding agreement was executed between the South Australian Murray-Darling Basin Natural Resources Management Board and the commonwealth Department of the Environment for the fourth round of this important program. I am pleased to report that, as in each of the previous rounds, South Australian irrigators have been extremely successful in this round of funding.

As a delivery partner, the South Australian Murray-Darling Basin Natural Resources Management Board has played an important supporting role for our farmers in each of these funding rounds. The board, as I understand it, is the only regional delivery partner to have been awarded funding through all four rounds of the On-Farm Irrigation Efficiency Program. This latest round will see an additional \$31.5 million invested into 122 irrigator projects. It is expected that these projects will generate an approximate combined saving of about 14,300 megalitres of water. Of the total savings, around 9,300 megalitres are expected to be returned to the environment to support the health of ecosystems in the Murray River wetlands and our flood plains. The remainder will form a dividend to the irrigators to enhance their business flexibility.

In the previous three rounds, our state attracted, I am told, \$45 million worth of funding. This has funded almost 300 South Australian irrigator projects, resulting in more than 16,000 megalitres of water and, importantly, the water savings generated through the On-Farm Irrigation Efficiency Program also contribute towards making up the gap between current diversion limits and the sustainable diversion limits proposed through the Murray-Darling Basin Plan.

Improving the efficiency of on-farm irrigation systems not only saves water, it can also result in lower nutrient run-off and increased crop quality and yield, and provide crop rotation and flexibility for our irrigators. All this helps bolster the region's food production potential, ensuring that producers are well positioned to compete in an increasingly competitive global market while securing the long-term health of the river.

I am told the Angove Family Winemakers in McLaren Vale, for example, have used the on-farm irrigation efficiency funding to install a new filtration system and switch from overhead sprinklers to automatic drip irrigation. I am told again that this has saved about 2.5 megalitres per hectare of watering and ensured greater consistency and uniformity in watering. The result has been improved vine health, fruit quality and increased yield, as well as substantial time savings through automated systems.

Bookpurnong Fruits in the Riverland has also noticed substantial time management advantages since installing drip irrigation, and water savings of up to 40 per cent for young fruit trees. The Wurst family farm at Waikerie has achieved better crop yields and fruit quality as a result of the salt moisture monitoring equipment and fertiliser injection system that they have installed. These are just a small cross-section of local businesses reaping the benefits of the On-Farm Irrigation Efficiency Program. I would like to take this opportunity to commend all the irrigators who have benefited from this initiative for trying to save water and be more sustainable.

I would also like to thank all the staff and members of the South Australian Murray-Darling Basin Natural Resources Management Board for their efforts in obtaining this funding for our communities. The board's knowledge and expertise, as well as its strong connection with the irrigator community, have no doubt played an essential role in the success, and I congratulate the former Labor government for introducing this program.

### EMERGENCY SERVICES DISASTER PLANNING

**The Hon. K.L. VINCENT (15:07):** I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Communities and Social Inclusion regarding emergency services and disaster planning and management.

Leave granted.

**The Hon. K.L. VINCENT:** Following the Adelaide Hills bushfire events, Dignity for Disability held a public meeting to discuss ways in which emergency services and broadcasts could be made more accessible to people with disabilities and the deaf community. The vulnerability of elderly people and people who are culturally or linguistically diverse was also raised. One idea that was repeatedly raised with me was the need for a system under which people with disabilities could be contacted in case they required assistance. This concept seems similar to the Telecross REDi program run by the Department of Communities and Social Inclusion to help ensure the safety of people who could be particularly at risk during a heatwave.

The Telecross REDi program is a program under which Red Cross volunteers call preregistered clients up to three times a day to check on their wellbeing during a heatwave. The callers ask people how they are coping and remind clients of important measures to assist them through the extreme weather. I understand that if a call goes unanswered, an emergency procedure is activated to ensure the wellbeing of the client. I also note that a recent article by New South Wales academic Michelle Villeneuve points out that people with disabilities are two to four times more likely to be killed or injured in disasters than our nondisabled peers. My questions to the minister are:

1. Is the minister aware of the United Nations World Conference on Disaster Risk Reduction that is occurring in Sendai, Japan from 14 to 18 March this year?
2. Is the minister aware that people with a disability are two to four times more likely to be injured or killed in natural disasters compared to the rest of the population?
3. Could the minister please implement a program of notification and communication similar to Telecross REDi in events such as fire or flood, as well as heatwave?
4. Is the minister aware of any other programs in South Australia or interstate which could be adapted to address this issue?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09):** I thank the honourable member for her most important questions on the matter of emergency services disaster management. I undertake to take those questions to the Minister for Communities and Social Inclusion in the other place and seek a response on her behalf. But, just dredging from memory, I understand that the Red Cross service that the honourable member talked about in her brief explanation is open to all vulnerable persons who may be listed by either themselves or their family or support organisations in the community who want them listed, so I do not think that it is particularly delineated in any way who can be on that list.

### EMERGENCY SERVICES DISASTER PLANNING

**The Hon. K.L. VINCENT (15:10):** I have a supplementary question. Just for clarity, my question was not about who is eligible: it was that that program runs only during a heatwave, so is there a possibility for it to be expanded to cover other disasters as well?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:11):** I thank the honourable member for that clarification, and I will amend the question to the minister in the other place accordingly.

**CONSUMER PROTECTION**

**The Hon. J.S. LEE (15:11):** I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers questions about faulty construction products.

Leave granted.

**The Hon. J.S. LEE:** Reported in the March/April 2015 edition of *Plumbing SA* were concerns in regard to faulty construction products and materials entering our market, products which are putting families and lives at risk as well as putting legitimate and compliant product suppliers at an unfair disadvantage.

Housing Industry Association building spokesperson Kristin Brookfield said that there was a lack of coordination and oversight amongst regulatory authorities, which was contributing to the problem. Ms Brookfield confirmed that consumers should never be left in a position of having to decide for themselves whether individual products are adequate and safe. She said that it is time for all levels of government to work with the industry in addressing the problems. My questions are:

1. What measures will the minister put in place to monitor noncompliant product supplies in South Australia?
2. What policy will the minister introduce to ensure better coordination amongst regulatory authorities in this area?
3. What education programs will the minister implement to ensure that all levels of government are working with the industry to address the issue of faulty products entering the market?

**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) (15:12):** I thank the honourable member for her most important questions. The regulation around faulty and/or unsafe products is shared between federal and state, so there are a number of activities that go on at both of those levels. I should also qualify that by saying that the responsibility for the issues around regulation raised by the Hon. Jing Lee are really the responsibility of the Office of the Technical Regulator, so I am happy to refer those to the appropriate minister and bring back a response.

But, in general, in terms of some of the consumer responsibilities I have in relation to Australian consumer law, we have inspectors at a state level who offer a range of monitoring services and inspections of things such as that sales signs are not misleading. A very common one they see in the retail sector is 'no refunds' signage and, of course, those signs are incorrect.

We know that people have a warranty statute that requires all services and goods to be fit for purpose and, if they are not, then they can be returned or refunded or repaired. They do inspections randomly each year around those sorts of matters and they also look at things like sales prices that state that it is a 'half-price sale' when, in fact, it is not half price at all. They do random inspections from time to time to ensure that that sort of misleading activity does not occur. In terms of the plumbing, in relation to the regulation around particular plumbing devices and equipment, that is the responsibility of the technical regulator. As I said, I will refer that to the appropriate minister, minister Rau, and bring back a response.

**BASE64**

**The Hon. T.T. NGO (15:16):** My question is to the Minister for Manufacturing and Innovation. Can the minister inform the council about the new technology incubator Base64?

**The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:16):** I thank the honourable member for his question.

*The Hon. R.L. Brokenshire interjecting:*

**The Hon. K.J. MAHER:** I think I am hearing voices in my head, Mr President, but I will try to plough on nonetheless. I recently had the opportunity to visit Base64 with my colleague the

member for Reynell, and parliamentary secretary to the Premier, and was very impressed with what I saw.

Base64 was founded in 2012 by Simon Hackett, a South Australian entrepreneur and innovator. Members may know of Mr Hackett's previous entrepreneurial success with his technological company Internode. Following the success of Internode he established Base64. Base64 is a new technology incubator offering technical facilities and support for a number of compatible technology-related businesses, and is located on North Terrace in Kent Town.

The extensive refurbishment of the site includes an almost entirely new approach to office design and includes shared spaces, reflective space, outdoor rooms and a 50-person capacity function room with state-of-the-art IT capacity, much of which was designed here in South Australia. As Base64 opens its doors to many new and exciting ventures in the coming weeks, a curated community of technology companies from different industries will engage with each other and share experiences right in the heart of the city.

It is my understanding that accommodation will be offered at reasonable rates to assist companies in managing their costs during their start-up phase. With 70 per cent of the facility already let, the technical facilities and support offered are clearly in very high demand. Many of these initial tenants are software developers who will service a range of industry sectors, and there is currently a waiting list for the remaining 30 per cent of the facility. To complement the facilities on offer, staff will be on hand to provide advice and to leverage the connections of the Base64 team to tenants.

I can inform the chamber that the Data to Decisions Cooperative Research Centre, which commenced operating in July 2014, will also operate from Base64. The centre is a collaboration between the University of Adelaide, the University of South Australia and industry. It has been set up through a CRC program to research and develop tools that maximise the benefits of big data for Australia's defence and national security sector, as well as other industries. The government is pleased to have contributed \$200,000 to the Data to Decisions Cooperative Research Centre, and there could not be a better setting in South Australia for it to be located.

I commend the spirit of innovation and creativity demonstrated by the Base64 team and, in particular, I pay tribute to Simon Hackett and his team's commitment to investing in South Australia. I am looking forward to continuing to learn of the progress and success of the many emerging entrepreneurs who will come to call Base64 home, as they create new products and new processes and increase penetration into new markets. I will keep the chamber updated as to what happens.

### **SOUTH-EAST DRAINAGE SYSTEM**

**The Hon. R.L. BROKENSHIRE (15:19):** I seek leave to make a brief explanation before asking the Minister for Water a question about the South-East drainage network.

Leave granted.

**The Hon. R.L. BROKENSHIRE:** As the minister, I assume, would be aware, the South-East drainage community panel report was released on 15 March. The panel, funded by valuable natural resource management dollars, was tasked with investigating the best way to pay for the future maintenance and operation of the 2,600 kilometres of drainage network, which supports agricultural productivity in the South-East and which provides water to wetlands and natural environments.

The government, which will so far only commit \$2.2 million to the network, had hoped to use a regional-based tax to force landholders living in the South-East to meet the rest of the cost of this deteriorating government-owned asset and, as many of my colleagues would be aware, this is something that many of them, and certainly Family First, did not, could not and would not support. The minister accused me of certain things when I said that it was in the public interest and for the public good that the government, not the farmers, pay for the maintenance.

The good news from the community panel report is that, after much deliberation, the panel, unanimously I understand, has concluded and declared that, because the whole of the state (in other words, for the public good) benefits from the South-East drainage network through food production, environmental conservation, industry and tourism, and that, because this is one of the state's biggest assets, the state government should be the one to pay for it, and much more than the \$2.2 million that it is currently willing to put in.

In fact, the panel went further and has recommended that funding be increased and set at the OECD industry standard, which is 3 per cent of capital value. With that explanation, my questions to the minister are:

1. Will the government, given that it wanted to put up the independent umpire panel, and did so, now adhere to the determination of the community panel and finally commit the necessary funds for the ongoing maintenance and operation of the South-East drainage network?

2. Will the government now abandon the notion of charging a regional-based tax on South-East farmers and landholders?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:22):** I thank the honourable member for his most important, if somewhat predictable, question. The agricultural productivity of a significant portion of the South-East national resource management region is supported by an extensive drainage network, which includes more than 2,500 kilometres of public and private drains, floodways and associated infrastructure. This drainage infrastructure assists in addressing agricultural flooding across the relatively flat topography of the South-East region and plays a key role in ameliorating dry land salinity in the Upper South-East.

The drainage network is currently managed and operated by the South-Eastern Water Conservation and Drainage Board, which operates under the South-Eastern Water Conservation and Drainage Act 1992. The board manages the drainage network to address the issues of flooding and dryland salinity and to meet the environmental water requirements of wetlands that are connected to the drainage network. I am continuing to listen to local advice on drainage matters, as members would expect I would.

This motivation is central to the South-East drainage network community's panel initiative, which allows community members to investigate funding models for the ongoing maintenance and operation of the South-East drainage network. The community panel undertook its deliberations over three weekends, and I was pleased to attend the first meeting at Naracoorte on 31 January. The second meeting was held on 21 and 22 February in Mount Gambier, and the final weekend of deliberation was held recently on 14 and 15 March 2015.

The question that the panel had been asked to address is: how should we pay for maintaining our largest local infrastructure asset, the South-East drainage network? The state government will commit \$2.2 million per annum. Do we want to spend more than that and, if so, how do we fairly share this cost across the region? This community panel has released its recommendations, which I understand are now publicly available at [www.naturalresources.sa.gov.au/southeast](http://www.naturalresources.sa.gov.au/southeast). I am down to meet with the panel on 28 March to discuss its recommendations.

That is what I told the panel I would do at the commencement of our deliberations. I think it is only appropriate that I respond to them before I do the Hon. Mr Brokenshire and this chamber the courtesy and honour of giving them the benefit of my wisdom. The panel will present its recommendations through the South East NRM Board to me as Minister for Sustainability, Environment and Conservation, and I have undertaken to table a copy of the recommendations and government's response in parliament.

But we shouldn't let pass the absolute hypocrisy of the Hon. Mr Brokenshire in this situation. It was the Hon. Mr Brokenshire who decided, in his infinite wisdom, to support a Liberal proposition to remove the River Murray levy from those ratepayers in the South-East of the state, the rationale being that they had no benefits from the continued health of the River Murray—they're not absolutely connected to the pipe. But they come in here with an argument that says, 'Let's not worry about that argument; let's throw consistency out the window.' But the whole state is responsible for the benefits that come out of the South-East drainage system, even though the whole state is not directly connected to the South-East drainage system.

Here we have Mr Brokenshire in his usual hypocritical manner entertaining two contradictory points of view at exactly the same time, depending on who he is talking to. That is the level of the politics of the Hon. Mr Brokenshire. He comes in here, in this place, holding two contradictory positions at the same time and tries to portray himself as this virtuous man for doing that.

The contradictions in terms are huge, and he does not even take into consideration that a couple of the councils in the South-East use the South-East drainage network to dump all of their waste—all of their road, stormwater waste—into those drains and they pay absolutely nothing; absolutely nothing for the upkeep of the drainage system. They utilise it for the benefits of their ratepayers, but they contribute nothing—not a zack—to the maintenance of the drainage system.

We have the Hon. Mr Brokenshire in here, trotting in as he is wont, with two contradictory positions and saying, 'I'm a virtuous man because I can hold two different positions depending on who I'm talking to at this point of time.' You need to bell that cat and let everybody know this man is a hypocrite.

**The Hon. T.A. FRANKS:** Point of order, Mr President. I do believe that the minister has called you a 'hypocrite'. Given that he is meant to address his remarks to the Chair, he might want to clarify that.

**The Hon. R.L. Brokenshire:** You are not a hypocrite, Mr President.

**The PRESIDENT:** True.

*Address in Reply*

#### ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from 26 February 2015.)

**The Hon. J.M. GAZZOLA (15:27):** I also rise to support the motion and take this opportunity to congratulate the Governor on his appointment. I wish both His Excellency and Mrs Van Le all the very best for their tenure. My thanks go to Uncle Lewis O'Brien for his welcome to country, and I acknowledge that we meet on Kaurana land.

I, too, wish to note the passing of four former members since the opening of the 53<sup>rd</sup> parliament, in particular, the Hon. Bob Such, who will be greatly missed by many in this place for his honesty, commitment and forthrightness. I would also like to welcome new members Nat Cook, member for Fisher, and Sam Duluk, member for Davenport, in the other place. I also pass on my best wishes to Clerk Jan Davis who last year celebrated 50 years in the service of the Legislative Council.

Having heard His Excellency's speech, I am pleased to hear that 'Adelaide, the heart of the vibrant state', is one of the 10 economic priorities identified by the government this year, and I would like to thank those responsible for this resurgence. I am confident that investment—be it public or private—in the creative industries provides enormous and significant benefits to the community through jobs and well-being.

When I speak of the live music, arts, culture, hospitality and entertainment industry, there are many jobs in support such as teachers, sound and instrument technicians, radio and television technicians, instrument and equipment manufacturers, importers, wholesalers, and retailers, to name just a few occupations and disciplines our workforce—or those about to enter the workforce—can pursue and participate in.

I congratulate the Premier for his understanding and vision in supporting this industry. I would like to acknowledge the Adelaide Music Collective volunteers and their leader, Enrico Morena, and David 'Daisy' Day of the South Australian Music Hall of Fame. Their enduring commitment, passion and dedication to the Adelaide live music scene is paramount to maintaining and growing the industry.

A young man, Victor Marshall, who has volunteered many hours to the AMC and the South Australian Music Hall of Fame, deserves special mention for his work of gathering, arranging and displaying the material for the 'Yesterday's Heroes' exhibition. I urge all honourable members to visit the 'Yesterday's Heroes' exhibition at the State Library. It is free. It is an amazing collection of memorabilia, art, posters, tickets and records, highlighting South Australian music in the years 1956 to 1986. It offers a great historical perspective of where SA was placed in the national and international music scene.



For a more contemporary look at our achievements, I was thrilled to hear that Lonely Planet's travel guidebook listed Adelaide in its top 10 places to visit. Then recently, *The New York Times* labelled Adelaide as a city 'with a vibrant arts scene' listing it at 24 of the 52 worldwide destinations to visit. South Australia's Tkay Maidza and Bad//Dreems have both been nominated for best new talent in the 2015 6<sup>th</sup> Annual Rolling Stone Australia Awards as acts to watch in 2015.

I was thrilled to hear that Adelaide's Sia Furler was nominated and won the Rolling Stone Album of the Year, and then Tkay Maidza won this year's best new talent award. Tkay, who is currently in Austin, Texas, was also lauded as one of 'the six Australian acts to watch out for at SXSW (South by Southwest)', courtesy of [www.themusic.com.au](http://www.themusic.com.au). I wish to acknowledge the ongoing work of Support Act and the Debonairs committee for their successful monthly fundraising lunches at the Norwood Hotel, which allow and assist music industry workers and their families to get through hard times.

The Music Industry Council of South Australia, chaired by David Grice, a successful initiative born from a recommendation of the Elbourne report, has worked to interweave the visions of the industry and the government so that progress and action can be made in unison. Given the federal government's cuts to the ABC and the focus of commercial radio and television stations centred in the Eastern States, it is most important that we acknowledge the community broadcasting radio and television stations, which are deserving of our support and gratitude for their role in giving airtime to our artists and their local content.

The Australian Hotels Association, especially Ian Horne and Wendy Bevan, should be acknowledged as big supporters of the local live music industry, working behind the scenes to ensure that artists have the space and requirements they need to perform. I would also like to acknowledge the role of the Premier, the Hon. Jay Weatherill, and ministers Rau and Snelling for their continued support and commitment to the South Australian music scene, as well as all those who work in the industry to make it what it is today and what it will continue to be into the future. I am hopeful that unhelpful decisions, such as the second year bond forfeit of the Soundwave music festival, which received only two noise complaints, will be a thing of the past. Let us learn from these handbrakes to a vibrant city and move forward.

With the small bar scene thriving, local music gaining worldwide exposure and live music venues finding a sympathetic ear within planning reforms, I feel confident that 2015 can and will be the year that Adelaide comes alive, and I am confident that it will centre Adelaide as one of the cultural and artistic cities of the world. It is now up to us and the people of South Australia to get behind and support our artists and those involved in the creative industry.

**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) (15:33):** I would like to acknowledge members' contribution to the Address in Reply and to start my contribution by thanking them for their words. Most importantly, thanks of course go to His Excellency, the Governor Hieu Van Le AO, for his opening speech of the Second Session of the 53<sup>rd</sup> Parliament. It was a great pleasure to see and hear Governor Le give his first Governor's speech.

In the relatively short time that Governor Le and his wife, Lan, have graced Government House, they have brought a distinctive style and warmth that has rapidly endeared them to hundreds and hundreds of South Australians already. It has been pleasing to hear, during the numerous addresses in this place over the last couple of weeks, of the almost universal appreciation of the Governor and his wife and their story of how they escaped from strife and oppression and made their way here at great risk, arriving with little more than hope and determination. That the Governor, his wife and subsequent family could work hard, prosper and now contribute so wholeheartedly to our community is a valuable reminder of why we are here in this place.

Mr and Mrs Le came to a country that was fertile ground for people willing to work hard and contribute, and that country was, and still is, a society with a complex web of social institutions and customs that respect the rule of law, personal and social responsibility and self-expression. Above all, Mr and Mrs Le came to a country with a great generosity of spirit, which is readily shared with those willing to embrace it.

Members on both sides of the chamber spoke sometimes very movingly of their own and their families' experiences as new arrivals in this country. I would like to think that we all share in the pleasure and pride that comes from the generosity our country has extended and repaid so fully. Ultimately we are still creating those conditions in South Australia. We are still creating a place that will allow our citizens to thrive and prosper and reach their potential. That is our job, and I thank the Governor for reminding us, through his example, so wonderfully of its purpose.

On Tuesday, 10 February the Governor gave a comprehensive outline of the Weatherill Labor government's bold vision agenda for South Australia. He alluded to the particular challenges facing South Australia as our economy goes through a period of rapid transition brought on by a combination of external pressures, the decline of our manufacturing industries, especially in the vehicle manufacturing sector, and the uncertainties of global and resource trends.

There is also the shameful backtracking of the Abbott federal government from its election commitment to build the major part of the \$50 billion submarine contract here in South Australia. This decision of breathtaking political cynicism seems to have been taken by a federal government apparently completely unhinged from the realities facing the South Australian economy and in absolute denial of the impressive technical capacities amassed in our state's maritime industries.

The words of the former federal defence minister David Johnston that he would not trust the Australian Submarine Corporation to build a canoe—for which he was justifiably dumped—still rankles in the hearts and minds of most South Australians. How that debacle will ultimately play out remains to be seen, but certainly it is one of the larger challenges on the state government's plate.

Those challenges compel us to look at all options for South Australia's future. One of the potential avenues for action is a potentially changing role for the nuclear industry in South Australia. We have had more than quarter of a century of uranium production at Roxby Downs and it is now timely to consider what role we can and should play in the nuclear fuel cycle into the future.

A royal commission into the nuclear industry is clearly a good way to go forward to ensure that we have a mature, robust and informed debate on this issue. I have no doubt that it will preoccupy a great deal of public attention and raise temperatures in some quarters, but I trust that the process will lead to a reasoned and objective outcome.

One factor under consideration will no doubt be the role of nuclear fuel globally as a low carbon source of energy. Our national and international track record as a generator of power from renewable sources is impressive, and it is the intention of the Weatherill government to consolidate our notable efforts of the last decade.

Green Industries SA will both attract investment to SA and help exploit the expertise developed here along the way to become a leading generator of sustainable energy. In addition, we will be striving to create a carbon neutral Adelaide green zone to make Adelaide the world's first carbon neutral city. The new industries and technologies that this will entail will help change our city into a more vibrant and safe place. Under the Weatherill government, Adelaide has become a more exciting and dynamic place. It might be Mad March as I speak, but the changes we have brought about are becoming permanent, as we now regularly rank highly in global surveys of the world's most liveable and visitable cities.

Positive changes to our licensing laws are creating a unique and intimate ambience to our city and we are consolidating these changes by bringing the Adelaide Fashion Festival into the city centre to create a dynamic event that will help capture the world's imagination. It is not just the city centre that will benefit from our efforts, a more open planning system will enshrine an urban growth boundary for Adelaide, as well as protecting our prime agricultural land. Our commitment to renewing all Housing Trust stock that predates 1968 will also create new dynamism.

As Minister for Higher Education, I have witnessed firsthand how the South-East Asian economies appreciate the benefits of our state's education services. I have seen the great potential that a closer interaction with the South-East Asian economies could bring to South Australia through not just our education services, but tourism and the demand for our premium food and wine. So, I welcome the coming release of the state's South-East Asia Engagement Strategy as well as the creation of a new investment body.

Creating a better investment environment requires us to look anew at our state's taxation system and the Weatherill government has declared itself open to radical reform of our tax system. Predictably, there have already been a number of sensationalist panics and alarmist bubbles floated by the chattering classes and we have not heard the last of them, I am sure, Mr President. The same principle applies to the question of South Australia's time zone and its potential or otherwise for change.

A significant principle at stake with these issues: nuclear power, taxation reform and time zone, is our intention to take the South Australian community along with us when it comes to complex and nuanced decisions about our future. While we are considering the broader principles of social debate, I look forward to the progress of legislation to improve the integrity of our system of government. Legislation to enforce greater transparency of campaign donations and to individual members of parliament and greater scrutiny of lobbying activities will, I believe, be welcomed by a very large section of the voting public.

Although there has been little reaction to our intention to explore the new information and communication technology and more citizens' juries that will make involvement in political decision-making easier, they will ultimately be welcomed. Our educational and training institutions will be encouraged to focus strongly on the sectors of the economy that offer people scope for growth and are delivering on our economic priorities. Our health services must adapt and thrive to Australia's changing age demographics. Rather than assuming this as a negative, South Australia, with its impressive scope of medical and bioscience research, is uniquely placed to develop enterprises based on assistive technologies, innovative health services and smarter housing infrastructure.

Along with health and education, the third pillar of our democracy is justice, and we have already announced reforms to the justice system which will improve efficiency and accountability. We will also continue our steady progress on addressing the complexities of domestic violence. An improved court assistance service and an early warning system to provide an escalation point, if there have been flaws in agency responses, have been identified as suitable and effective initiatives and will be followed through. In the case of domestic violence, we have seen a marked change in recent times around men speaking up on this issue, sparked by some appalling individual cases. Attitudes are shifting and it is vital that we take this momentum and use it to create some long-lasting cultural change.

The Governor's speech acknowledged that South Australia faces significant and even daunting challenges. We cannot shy away from those difficulties. However, we can draw strength from the fact that there is a clear set of economic priorities and that they provide a clear and positive path forward, which is in stark contrast to the catalogue of woe and calamity outlined by the naysayers opposite, who have not advanced a skerrick of practical policy which would address the issues at hand, let alone provide anything resembling a coherent vision for South Australia's future.

The best the opposition can do, apparently, is to suggest, as the Hon. Stephen Wade did, that we press the reset button on our plans. Their big plan, though, is to drive determinedly into the future only gazing in the rear vision mirror. If they had their way, they would no doubt press the reset button back to the 1950s because, for them, the present-day modern world is just too hard and complex for them. It is too confusing for them and it is just much easier for the opposition to stay irrelevant.

On the other hand, our plan is to shift the economy up through the gears by engaging the strengths within our state's resources, especially our greatest resource: the people of this state. The Governor's speech demonstrates clearly that the Weatherill government is open to new ideas and fresh approaches based on our strengths. We will take bold action and seize the unique opportunities that are needed to recreate South Australia. That is our challenge and we will take it up passionately and resolutely over the course of this parliamentary session.

Motion carried.

**The PRESIDENT:** I remind all honourable members that His Excellency the Governor will receive the President and members of the council at 4pm today for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

*Sitting suspended from 15:46 to 16:45.*

**The PRESIDENT:** I have to inform the council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's opening speech adopted by this council today, to which His Excellency was pleased to make the following reply:

Thank you for your Address in Reply to the speech with which I opened the Second Session of the Fifty-Third Parliament. I am confident that you will give your best consideration to all matters placed before you. I pray that your deliberations will add meaning and value to the lives of our South Australian community.

His Excellency the Hon. Hieu Van Le AO

### *Bills*

## **FAIR WORK (MISCELLANEOUS) AMENDMENT BILL**

### *Committee Stage*

In committee.

(Continued from 24 February 2015.)

**The Hon. G.E. GAGO:** During our previous deliberations at clause 1, I was asked a series of questions that I now have answers for, which I would like to put on the record. I am advised that it is the intention of the government that there will be no other appointments made to the South Australian Industrial Relations Commission. At this point in time, there has to be a caveat on this intention, for no other reason than the event of an inability, as raised by the shadow minister, to constitute a breach due to leave, sickness, etc.

In such a circumstance, the minister will examine other existing judicial officers already appointed to other jurisdictions who are competent and able to carry out the required role of the full bench of the commission, and give serious consideration to either appointing them to a position of acting commissioner or making such a person a deputy president of the commission for the period of time the commission continues to exist.

I am advised that there are such persons already appointed to the Industrial Relations Court, Workers Compensation Tribunal and the South Australian Employment Tribunal, all of whom should have the competence to fulfil a role on a bench of the commission and have past association with worker or employer interests. I am further advised that, should such a circumstance arise, the process within the current Fair Work Act 1994 in sections 30 and 34 respectively will be applied, which requires the input I believe the shadow minister is seeking.

**The Hon. R.I. LUCAS:** I thank the minister for the undertaking that the minister in charge of the legislation has put on the public record. That answers a number of the questions that have been put to me and that I have during the committee stages put to the minister during this particular debate.

The minister's statement, in his first paragraph, makes it clear that there will be no other appointments made to the commission. I have sought clarification of that—and we are talking there about permanent appointments or temporary appointments, other than in the circumstances outlined in paragraph 2, which the minister has referred to. The minister, in his discussions with me and in public statements, has indicated that his intention is to look to see whether there are others who are currently employed in the general jurisdiction who can potentially be used as replacements if required and in the circumstances that have been raised before.

In the last couple of weeks, I have been contacted by employer representatives who, if I can understate the case, were most concerned that the minister was going to appoint a certain unnamed prominent ministerial adviser to a temporary position in the commission. I was advised, when I put that to the minister's office, that I should refer to paragraph 1 of the statement that was going to be read on his part, and I repeat it again for the record. It states that it is the intention of the government that there will be no other appointments made to the South Australian Industrial Relations Commission. That would clearly, in its intent and in its substance, refer to the potential appointment of any unnamed ministerial advisers to the commission by the minister.

There are obviously, for the reasons I have outlined previously, concerns amongst employer groups and those who represent them about the legislation and about the government's intentions. I can only take the minister at his word. Ultimately, the options open to the parliament were to seek to defeat the bill or to amend it or, ultimately, to seek assurances and clarifications from the minister who is in charge of the legislation, and that we have done. The minister has been good enough to put on the public record and in private assurances to me that that is the case.

I trust that the minister's practice will be as he has outlined by his statement and his intentions, and certainly I indicate to the employer groups that we have sought the assurances that we could, and they have now been placed on the public record. So, with those assurances that have been given by the minister, we indicate that we have no further questions and that we will not prolong the committee stage of the debate.

Clause passed.

Remaining clauses (2 to 17) 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) (16:53):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

*Committee Stage*

In committee.

Clause 1.

**The Hon. J.A. DARLEY:** The purpose of this bill is to extend the current stamp duty exemption that is provided when an apartment in the CBD or outskirts is purchased off the plan. I understand the rationale behind this is partly to increase the population in and around the city as well as stimulating the building industry and encouraging developers to Adelaide. Whilst I do not oppose this bill, I will put on the record that I believe it would be more useful if the government were to consider the benefit of extending a stamp duty exemption for all new houses and land packages regardless of their location in South Australia, provided they have the same value qualifications as the current subject departments.

The building industry is one of the largest employers in the state, and each new house provides a multiplier effect of 14 times in the economy. In a recent news article in *The Advertiser* it was reported that the resale return on apartments, especially those in high-rise complexes, was much higher than the resale return on houses. To demonstrate this, I provided details of an apartment which sold off the plan in 1997 for \$1.198 million and completed in 2000. The same apartment recently sold for \$4 million, a return of 233 per cent over 15 years. However, as the subject apartment was on the waterfront it is expected that the resale value would be higher than normal due to the limited availability of waterfront property. In my opinion this example is misleading as the capital gain achieved is not typical of the market.

In comparison, apartments in the CBD and surrounds are readily available. Some would even say that there is a surplus of properties to demand which will result in a much lower resale return—if there is a profitable return at all. In the past five years there have been 193 apartments which have sold and then resold in Adelaide and North Adelaide. Of these, 68 apartments (or 35.23 per cent) were sold for less than what the owner purchased them for. Using 3 per cent of the sale price to account for conveyancing and sales costs, an additional eight apartment owners suffered a loss from their resale; just over 60 per cent made a profit.

The figures show that growth in apartment sales is not as robust as some may expect and, therefore, may not be as attractive to buyers. For the record, I am simply making the point that all that glitters is not gold, and expanding the stamp duty exemption to other properties would go further to stimulate the building industry and attract investors.

Clause passed.

Clauses 2 to 5 and title passed.

*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) (16:57):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) 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) (16:58):** I move:

That this bill be now read a second time.

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

Leave granted.

The prosecution of the activities of outlaw motor-cycle gangs and their members is a high priority for government. Outlaw motor-cycle gangs and their members are notoriously involved in drug trafficking. The Government is pledged to attack them with all means at its disposal.

Labor's 2010 Serious Crime election policy stated that 'This proposal will amend the *Criminal Assets Confiscation Act* ... to target persistent or high level drug offenders to provide for total confiscation of the property of a 'Declared Drug Trafficker'. The policy details were:

*New powers will be given to the Director of Public Prosecutions to allow criminal drug dealers who commit three prescribed offences within a span of 10 years to be 'declared a drug trafficker.'*

*Under this proposal, which targets high level and major drug trafficking offenders, all of a convicted offender's property can be confiscated, whether or not it is established as unlawfully acquired and whether or not there is any level of proof about any property at all. Property and assets could also be restrained pending prosecution of matters before the court.*

*The legislation will attack repeat drug offenders. The offences that will attract the declaration if committed 3 or more times within a span of 10 years include:*

- Trafficking in controlled drugs;
- Manufacture of controlled drugs for sale;
- Sale of controlled precursor for the purpose of manufacture;
- Cultivation of controlled plants for sale;
- Sale of controlled plants; and
- Any offence involving children and school zones.

The Bill, with an exception based on legal advice, fulfilling this election pledge was introduced into Parliament on 18 May 2011. It was passed by the House of Assembly on 28 July 2011. Once in the Legislative Council, though, the opposition, with the support of a majority of the cross-benchers, effectively defeated all of the operative parts of the policy by amendments to the Bill. At the end of 2011, Parliament was prorogued.

The Bill was re-introduced on 14 February 2012. The same thing happened in the Legislative Council. The usual procedures were followed where the Houses disagree, and it appeared that the Bill was destined to go to deadlock conference.

At that point, the Bill was split into two parts—the first, a Bill containing the operative provisions of the policy as described above, the second, a Bill containing a group of unrelated miscellaneous amendments to the principal Act that were uncontroversial. The latter passed without controversy.

The prescribed drug offenders Bill was introduced into the House of Assembly on 16 October 2012, and passed that day. It reached the Legislative Council on 18 October 2012. And there it sat. On 18 October 2013, the opposition moved that the second reading be deferred for six months. That effectively killed the Bill, since six months took it past the election and another prorogation.

The Labor Election Policies for 2014 included a pledge to pursue this initiative and bankrupt the Mr Bigs of the drug trade.

Following this election promise, the Bill was again introduced into the House of Assembly on 7 May 2014. It passed the House on 18 June 2014. Again, the Bill was opposed by the opposition and some cross-benchers in the Legislative Council before being passed on 4 December 2014 with amendments. Again, Parliament was prorogued before the amendments could be the subject of formal negotiation.

Now the Government is reintroducing the Bill—yet again.

Opposition to this proposal in South Australia seems to be based on the idea that this is a new and unprincipled proposition that is unparalleled in the known universe. In fact, it is enacted and operating in a more drastic form (for some time) in Western Australia, the Northern Territory and Queensland. Arguably, a combination of provisions in New South Wales has similar effect. This is not a re-invention of the wheel.

The Liberal Opposition repeatedly opposed the introduction of this measure in part, so it said, because of doubts over its constitutional validity. It is true that, by majority, the Northern Territory Court of Criminal Appeal ruled against the validity of that jurisdiction's scheme: *Emmerson v DPP* (2013) 225 A Crim R 409. But that doubt is now gone. In April 2014, the High Court delivered judgment on an appeal from that decision and in *Attorney-General (NT) v Emmerson* [2014] HCA 13, a majority of 6/1 held the Act and scheme valid. There is no longer that excuse for opposing this policy.

The Government has taken this policy to two separate elections. The South Australian public has endorsed this policy. This government is serious about targeting high level drug offenders, and it is time the opposition got on board.

The idea that all of the property of certain drug traffickers (known as prescribed drug offenders) should be confiscated, whether or not it has any link to crime at all and whether or not legitimately earned or acquired, originated in the Western Australian *Criminal Property Forfeiture Act 2000*. If a person is taken to be a declared drug trafficker under either s 32A(1) of their *Drugs Misuse Act* or is declared under s 159(2) of the Confiscation Act, then, effectively, all of their property is confiscated without any exercise of discretion at all, whether or not it is lawfully acquired and whether or not there is any level of proof about any property at all.

The Bill reflects the Western Australian scheme, with minor modifications.

The two prescribed situations are a convicted drug trafficker of a certain kind and an absconding accused. The first category is the most general.

An absconding accused aside, there are two situations catered for. The first is the repeat offender. The second is the major offender (whether repeat or not).

(a) The repeat offender is caught if he is convicted on a third (or more) offence for nominated offences within a period of 10 years.

(b) The major offender is caught if he or she is convicted of a commercial drug offence. A commercial drug offence is one of certain extremely serious offences in the *Controlled Substances Act 1984*, or any of the serious drug offences that involves a commercial amount of the controlled drug.

The extremely serious offences nominated are: trafficking, manufacture for sale, selling or possession with intent to sell a large commercial quantity or a commercial quantity of controlled substances or controlled plants and cultivation of a large commercial quantity or a commercial quantity of controlled plants.

As a sidenote, the Northern Territory *Criminal Property Forfeiture Act* contains very similar provisions, obviously modelled on the Western Australian Act. However, the Northern Territory Act contains only the repeat offender version of the first category and the second category (death and absconding). It does not contain what is described above as the major offender category. The Queensland *Criminal Proceeds Confiscation Act 2002* contains a scheme that is similar in intent but different in complicated ways as to details.

Under the legislation in Western Australia and the Northern Territory, all of the declared drug trafficker's assets are subject to forfeiture. This would include such things as baby clothes, washing machines, garden hoses, children's toys—the lot.

In order to ameliorate the harshness of the scheme and possible forfeiture to the Crown of goods and chattels that are worthless, encumbrances or otherwise not worth the trouble, the Bill states that the prescribed trafficker forfeit everything except what a bankrupt would be allowed to keep. These are to be found in r 6.03 of the Commonwealth

*Bankruptcy Regulations 1996*. The lists are extensive, but the general principle is stated in this way: section 116(1) of the Act does not extend to household property (including recreational and sports equipment) that is reasonably necessary for the domestic use of the bankrupt's household, having regard to current social standards.

The Queensland *Criminal Proceeds Confiscation Act 2002* adopts the same principle.

#### *High Level or Major Traffickers*

Whether or not a person can be presumed to be, in common usage, a high level or major trafficker will depend largely, but not wholly, on the amount of the drug with which he or she is associated. The table below illustrates various amounts for the more commonly prosecuted controlled substances. The S.A. amounts were prescribed as a result of a national consultative process fixing amounts and methods of calculation. The nationally agreed amounts were settled on the basis of research across Australia on the actual activities of the illicit drug markets informed by police expertise.

<i>Drug</i>	<i>SA Trafficking Amount</i>	<i>SA Commercial Amount</i>	<i>SA Large Commercial Amount</i>
<i>Amphetamine</i>	2 gms (mixed)	0.5 kgs (mixed)	1 kg (mixed)
<i>Cannabis</i>	250 gms (mixed)	2.5 kgs (mixed)	12.5 kgs (mixed)
<i>Cannabis Resin</i>	25 gms (mixed)	2 kgs (mixed)	10 kgs (mixed)
<i>Heroin</i>	2 gms (mixed)	0.2 kgs (mixed)	1 kg (mixed)
<i>Cannabis Plants</i>	10 plants	100 plants	500 plants

#### *Repeat Offenders*

The legislation also attacks repeat offenders. The key to this category is settling the offences to which it applies—that is, what offences will attract the declaration if committed 3 or more times within a span of 10 years. It is suggested that the offences to which it should apply are any serious drug offences that are indictable. These are those offences listed in that part of the *Controlled Substances Act 1984* under the headings 'Commercial offences' and 'Offences involving children and school zones'.

#### *The Fund*

The proceeds from the existing criminal assets confiscation scheme must be paid into the Victims of Crime Fund (after the costs of administering the scheme are deducted). It is proposed that funds raised by the application of this initiative be devoted to another fund, to be called the Justice Resources Fund. This Fund will be devoted to the provision of moneys for courts infrastructure, equipment and services, the provision of moneys for justice programs and facilities for dealing with drug and alcohol related crime and for the provision of funding for justice reform initiatives. Disbursements will not overlap with those made from or eligible for moneys from the existing Victims of Crime Fund.

#### *Other Aspects of the Scheme*

The Western Australian scheme has been modified so that a court has a discretion to ameliorate the harsh and inflexible application of this scheme if the offender has effectively co-operated with a law enforcement agency relating directly to the investigation or occurrence or possible occurrence of a serious and organised crime offence. For these purposes, a serious and organised crime offence is defined in a way that mirrors the definition in the *Australian Crime Commission (South Australia) Act 2004*. Every encouragement should be given to serious criminals to inform on their co-offenders and any criminal organisations to which they belong or are party.

As is the case with the WA and NT legislation, a person is a prescribed drug offender where there is sufficient evidence to conclude that a person would have been liable to be a prescribed drug offender and the person either absconds or dies.

The Bill also adopts the Northern Territory innovation that the time period of 10 years in relation to the repeat offender does not run if and while the offender is imprisoned.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

4—Amendment of long title

This clause amends the long title of the principal Act to reflect the changes made by this measure.



#### 5—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to include, or to consequentially amend, definitions of terms used in respect of the amendments made by this measure.

#### 6—Insertion of section 6A

This clause inserts new section 6A into the principal Act. It sets out what is a prescribed drug offender, namely a person who is convicted of a commercial drug offence after the commencement of the proposed section, or who is convicted of another serious drug offence and has at least 2 other convictions for prescribed drug offences, those offences and the conviction offence all being committed on separate occasions within a period of 10 years. However, the 10 year period does not include any time spent in government custody. The proposed section makes procedural provision in respect of the convictions able to be used in determining whether a person is a prescribed drug offender. The proposed section also defines key terms used in respect of prescribed drug offenders, including setting out what are commercial and prescribed drug offences.

#### 7—Amendment of section 10—Application of Act

This clause makes a consequential amendment to section 10 of the principal Act.

#### 8—Amendment of section 24—Restraining orders

This clause inserts new subsection (5a) into section 24 of the principal Act, which prevents a court from specifying protected property (the definition of which is inserted by this measure) in a restraining order unless there are reasonable grounds to suspect that the property is the proceeds of, or is an instrument of, a serious offence.

#### 9—Amendment of section 34—Court may exclude property from restraining order

This clause amends section 34 of the principal Act by inserting new subparagraph (ia), adding to the list of matters a court must be satisfied of before it may exclude property from a restraining order. The subparagraph is divided into parts dealing with where the suspect has, and has not, been convicted of the serious offence to which the restraining order relates.

The first such matter is that the court can only exclude property where the suspect has not, or would not, become a prescribed drug offender on conviction of the serious offence. Alternatively, the property may be excluded if the court is satisfied it is not owned by, nor under the effective control of, the suspect in the circumstances spelt out in the provision (even if the suspect is, or will be upon conviction of the relevant offence, a prescribed drug offender).

The power to correct an error in respect of the inclusion of the relevant property when making the restraining order is given to the court because the property restrained in respect of prescribed drug offenders is not necessarily proceeds nor an instrument of crime.

#### 10—Amendment of section 47—Forfeiture orders

This clause amends section 47(1)(a) of the principal Act to include the fact that a person is a prescribed drug offender as a ground for the making of a forfeiture order under that section (provided that the relevant property was owned by or subject to the effective control of the person on the conviction day for the conviction offence).

#### 11—Amendment of section 57—Relieving certain dependants from hardship

This clause makes a consequential amendment due to the amendment of section 47(1)(a) by this measure.

#### 12—Amendment of section 58—Making exclusion orders before forfeiture order is made

This clause amends section 58 of the principal Act to provide that property sought to be excluded from a forfeiture order must not, in the case of a forfeiture order to which section 47(1)(a)(ii) applies (ie a prescribed drug offender order), at the relevant time be owned by, or under the effective control of, the prescribed drug offender (unless it is protected property of the person).

#### 13—Amendment of section 59—Making exclusion orders after forfeiture

This clause amends section 59, consistently with clause 15, to provide that property sought to be excluded from a forfeiture order must not, in the case of a forfeiture order to which section 47(1)(a)(ii) applies (ie a prescribed drug offender order), at the relevant time be owned by, or under the effective control of, the prescribed drug offender (unless it is protected property of the person).

#### 14—Insertion of section 59A

This clause inserts new section 59A into the principal Act. That section allows a person to apply for property to be excluded from a restraining order because the person has cooperated with a law enforcement authority in relation to a serious and organised crime offence, be it one that has occurred or may occur in future.

The mechanisms and procedures in relation to an order excluding the property are similar to other such provisions in the principal Act.

#### 15—Amendment of section 62A—No exclusion or compensation where forfeiture taken into account in sentencing

This clause makes a consequential amendment to section 62A.

16—Amendment of section 76—Excluding property from forfeiture under this Division

This clause amends section 76 to prevent exclusion of property owned by or under the effective control of a prescribed drug offender (other than protected property).

17—Insertion of section 76AA

This clause inserts a provision similar to the provision in clause 14 allowing for exclusion from forfeiture based on cooperation with a law enforcement agency.

18—Amendment of section 76A—No exclusion where forfeiture taken into account in sentencing

This clause makes a consequential amendment.

19—Substitution of section 203

This clause amends the structure of section 203 of the principal Act to reflect the changes made by this measure.

20—Amendment of heading

This clause is consequential.

21—Amendment of section 209—Credits to Victims of Crime Fund

This clause is consequential.

22—Insertion of section 209A

This clause provides for the establishment of the Justice Resources Fund, to be administered by the Attorney-General, and for the proceeds of confiscated assets of prescribed drug offenders to be paid into the fund.

23—Amendment of section 224—Effect of confiscation scheme on sentencing

This clause amends section 224 to provide that a sentencing court must not have regard to any forfeiture or pecuniary penalty order that might result from the conviction if it results in the defendant becoming a serious drug offender (within the meaning of this measure) and the property to which the forfeiture or order relates was owned by, or subject to the effective control of, the defendant on the conviction day for the relevant offence.

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

## **JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL**

### *Introduction and First Reading*

Received from the House of Assembly and read a first time.

At 17:00 the council adjourned until Wednesday 18 March at 14:15.

*Answers to Questions***YATALA LABOUR PRISON**

In reply to **the Hon. K.L. VINCENT** (6 May 2014) (First Session).

**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):** The Minister for Correctional Services has been advised:

1. Yatala Labour Prison is a complex and busy high security prison. The Department for Correctional Services (DCS) and I have acknowledged that the issues concerning access, arising from professional visitors such as lawyers and others like Dr Raeside, is an area that we are committed to improving, at Yatala Labour Prison and all other prisons.

A Ministerial Taskforce has been established and is working to progress a number of targeted improvement initiatives. The Taskforce was established in May 2013. I am a member of this Taskforce, other members include:

- The Chief Executive, Department for Correctional Services;
- The Chief Information Officer;
- Executive level representation from the Courts Administration Authority;
- Executive level representative from the Law Society;
- Executive level representative from the Legal Services Commission; and
- The Chief Justice and Chief Magistrate.

The Taskforce understands and recognises that cooperation and good communication are key to an efficient criminal justice system. As a result, a number of short and long term solutions are currently being implemented to address the issue of professional visits.

The Taskforce has established 5 key deliverables, including:

- establishing a cross agency committee;
- implementing an electronic professional visits booking system;
- developing a guide to advise professional visitors of processes to assist in entering a prison;
- reviewing the current visit centres; and
- In addition, an audio-visual and telephone link system will be piloted to improve professional visitor access their client.

2. I do not agree that there is a lack of access to psychological services for prisoners. In fact, the DCS has a range of services for prisoners experiencing mental health issues or who are at risk of self-harm. These services are provided by Forensic Mental Health Services, SA Prison Health Service, Disability SA, the prison High Risk Assessment Team, and Departmental Psychologists.

DCS continues to develop crisis intervention and support strategies to better manage prisoners with mental health needs. This includes the implementation of a new procedure for the management of prisoners at risk of suicide and self-harm; the development and implementation of a Dialectical Behavioural Therapy program for women with severe borderline personality disorders, improved liaison with Forensic Mental Health Services and the commissioning of a high dependency unit for female prisoners at Port Augusta Prison.

Departmental Psychologists provide specialist assessment services utilising internationally recognised best practice principles. They work collaboratively with other service providers, such as the SA Prison Health Service and Forensic Mental Health Services to provide intervention and specialised assessments for offenders who are affected by substance abuse and/or personality and mental health disorders.

Psychologists are also involved in High Risk Assessment Team meetings and Behavioural Management Forums. This involvement is a multi-disciplinary approach that facilitates urgent referrals for prisoners requiring immediate treatment, crisis intervention and specialised management strategies. The role of the psychologist attached to the High Risk Assessment Teams is to provide an opportunity for specialist assessment and advice to further guide behavior modification and risk management strategies.

3. I can advise that I met with Dr Raeside on 30 June 2014 to discuss his concerns. In addition, the DCS' Executive Director Offender Development also met with Dr Raeside, on 2 May 2014, to discuss improved professional visitor access to prisoners.

4. This Government is committed to delivering programs that promote improved health and mental health. Target 86 of the SA Strategic Plan is for this State to have equal or lower than the Australian average for psychological disease.

5. Yatala Labour Prison is a multipurpose facility accommodating high, medium and low security prisoners, including sentenced prisoners and remandees. In recent years, Yatala has undergone significant infrastructure upgrades, including the commissioning of a new Gatehouse and visit reception centre. The new Gatehouse incorporates improved access control systems, including person and baggage screening systems using walk through metal detectors and baggage x-ray units.

Construction has also commenced at Yatala Labour Prison for a 26 bed High Dependency Unit and a new Health Centre. These are scheduled to be completed by mid to late 2015.

The High Dependency Unit will provide inpatient mental health assessment and treatment services for prisoners presenting with multiple and complex needs. The new Health Centre will meet the primary health care needs of prisoners.