

LEGISLATIVE COUNCIL**Wednesday, 18 March 2015**

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

*Parliamentary Committees***LEGISLATIVE REVIEW COMMITTEE**

The Hon. G.A. KANDELAARS (14:17): I bring up the 4th report of the Legislative Review Committee.

Report received.

*Question Time***TAFE SA**

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about vocational training in our agricultural sectors.

Leave granted.

The Hon. D.W. RIDGWAY: Despite the government's frequent claims of supporting premium food and wine and job training opportunities in this state, we constantly see examples of how the government fails to match its rhetoric with concrete actions to benefit South Australians looking for work in the food and agricultural sectors. One such example has been brought to my attention recently by a farming family in the South-East.

In this example a young woman and her family are having to undertake fundraising activities in order for her to successfully complete her final year of Certificate IV in Veterinary Nursing. The reasons she and her family have undertaken the fundraising is a 476 per cent increase in the fees being charged by TAFE SA to complete her course. My questions to the minister are:

1. How can she justify the increase of TAFE SA's price for Certificate IV in Veterinary Nursing from \$1,595.90 last year to \$7,600 this year?
2. Given her government's commitment to premium food and wine and job training opportunities across the state, why is she allowing such exorbitant increases in prices to occur for agricultural training courses?
3. What is she doing in order to support affordable training places in our agriculture and food sectors?

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) (14:19): I thank the honourable member for his most important questions. The Hon. David Ridgway knows only too well that questions about operational matters in relation to TAFE SA activities should be directed to them. He knows very well that the setting of fees and how they are allocated are matters for TAFE and for other training providers. I would encourage the Hon. David Ridgway to direct those operational questions to TAFE SA. This state government does indeed ensure that our government priorities are reflected in all government activity, including our training activities, and that is why so many—

Members interjecting:

The PRESIDENT: The minister is on her feet trying to answer a question. Please have the decency to allow her to give the answer in peace. Minister.

The Hon. G.E. GAGO: Thank you, Mr President. That is why this government continues to provide significant subsidisation of VET courses right across, and we particularly ensure that those

areas that align with the state's priorities are reflected in the way we subsidise. We know—and I have been in this place before and indicated on numerous occasions—that, in terms of Skills for All, additional once-off funding was made available to enable this government to reach its target of achieving 100,000 additional training positions in South Australia.

We did that. In fact, we exceeded that target and not only did we do that, we delivered that earlier than anticipated. We delivered it within the first three years. Those funds have been expended on achieving that target, and we know that the levels of funding are returning to the pre Skills for All levels, which did not include that once-off additional funding. It is not surprising that TAFE SA and other training bodies reflect those changes in the way they are describing their fee structures into the future.

The PRESIDENT: Supplementary, the Hon. Mr Ridgway.

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): Has the minister ever been briefed on the operational matters that see price rises of some 476 per cent?

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) (14:22): I have said time and time again in this place that the setting of fees is an operational matter and a matter for TAFE. I was made aware of the fee structures that were being put in place, but I was not consulted about that; that would be completely inappropriate. I did receive information about that but, as I said, these are not matters for me to interfere in. The board is an independent statutory authority and is responsible for the day-to-day management decisions of TAFE SA, and they do that extremely well.

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Further supplementary: given that the minister has just admitted that she has asked questions and been provided with some answers on the fee structure, did she inquire as to why the fees had gone up some 476 per cent for this particular course?

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) (14:23): Yet again, we see the Hon. David Ridgway come into this place and deliberately mislead this place. He knows he is misleading this place. He knows that in my answer, I did not in fact say that I had asked questions about the fee structure. He knows I did not say that. What I said was that I had received some information about proposed fee structures but was not consulted.

He knows that was the language I used. He knows that, and yet he comes into this place day after day and misleads this place, and it is a dishonest way to be using language and information. Again, I can say I was given information, Mr President. Part of that information in relation to the fee structures was that there were, if I can recall, increases in some areas and there were decreases in others that reflected the costs associated with the delivery of those services.

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Final supplementary: will the minister commit to asking her agency for a breakdown of why the fees have gone up 476 per cent and supply that to the chamber?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:25): Mr President, the Hon. David Ridgway is just lazy; he is just a lazy, lazy opposition spokesperson. Bone lazy and bone idle, that's what he is. He knows that it would be relevant to direct those questions to the TAFE board. These are operational matters, and it is completely inappropriate for me to interfere in day-to-day operational matters.

The Hon. David Ridgway knows that and he is so bone lazy he can't even get off his backside and pick up the phone or write an email to TAFE SA and request information around these matters.

That's how lazy he is—bone lazy. He wants to be spoon fed; he wants someone to go and get that information for him and bring it back. Well, Mr President, it is an abuse of this chamber. It is an abuse of each and every one of us and our important time.

The responsibility lies with the board of TAFE SA; they are responsible for the day-to-day operational matters. I have, on several occasions, invited honourable members who have got queries or questions, or want information or advice, to approach TAFE SA directly, as they should be doing.

TAFE SA

The Hon. R.L. BROKENSHIRE (14:26): Supplementary, given the minister's answer, sir. My supplementary is to the minister: given that you have clearly agreed to a 470 per cent increase in VET nursing and TAFE agricultural studies, how do you expect to get people trained to pick up job opportunities in agriculture, given that TAFE is one of the few training organisations that still provides training for agriculture? Are you writing off agriculture, as a government?

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) (14:27): The Hon. Robert Brokenshire again is being quite misleading with his language as well—incredibly misleading—and he does it deliberately, which is quite a dishonest thing to do. We know that he comes into this place and does that time and time again. I have already answered the question, Mr President—

The Hon. R.L. Brokenshire: No, you haven't!

The Hon. G.E. GAGO: I have answered the question in relation to the way our VET sector picks up and responds to demand in terms of meeting our training and skills needs. That is largely market driven; so, where there is the greatest demand for particular skill sets, our VET sector responds to that. I have already indicated that this government provides significant subsidisation of courses relating to agriculture and suchlike—significant subsidisation—and we will continue to do that.

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): Further supplementary, if I may, Mr President: can the minister confirm that TAFE fees are directly related to the Skills for All subsidy that you, as minister, provide to the department?

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) (14:28): Mr President, the Hon. David Ridgway purports to have, at least in the past, some business acumen. Well, he is failing to demonstrate it in this place at all. I mean, it was one of the silliest questions I have ever heard. He knows only too well—or perhaps he has forgotten—that prices, in terms of the way businesses operate, are determined by a wide range of different things. They are related—

The Hon. D.W. Ridgway: Directly related to the Skills for All subsidy that you provide.

The Hon. G.E. GAGO: He is just being silly. He is being totally silly; he knows they are related to the inputs that come in, and the cost of outputs and demand. So, he knows—or he could guess, surely, if he does purport to have some business acumen—that it would be a range of factors that would be affecting the final outcome of those particular fees that are set. But again, if he wants details in terms of how TAFE calculates these things and with what weightings, then he should get off his lazy tail and pick up his phone, or get on his computer, and ask for information from the appropriate body, and that is TAFE SA. I encourage him and invite him to contact the board.

TAFE SA

The Hon. R.I. LUCAS (14:30): Supplementary question: the minister referred to inputs and the cost of outputs, so could the minister provide greater detail on what she means by 'cost of outputs'?

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): The cost of delivering services—the different training courses have different costs associated with them. Some are in simple classrooms and require very little other supports; others, like forestry for instance, require state-of-the-art simulating machines that cost tens of thousands of dollars. All of these things—I can't believe this is economics 101. He is supposed to be the former treasurer, the former failed treasurer, though, and perhaps that is why he doesn't understand the cost inputs of running a service—former failed treasurer.

TAFE SA

The Hon. K.L. VINCENT (14:30): For future reference, could the minister tell us what, if any, are the non-operational matters relating to TAFE, so what can we actually ask the minister about in relation to TAFE?

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) (14:31): I have already indicated in this place what the responsibility of government is in terms of broad policy and I have also indicated that we are the funding provider and that TAFE is the service provider. It doesn't take rocket science to be able to work out which questions would be relevant to ask the minister and which questions would be relevant to send on to the board.

MURRAY-DARLING BASIN REGIONAL ECONOMIC DIVERSIFICATION PROGRAM

The Hon. J.M.A. LENSINK (14:31): My question is to the Minister for Water and River Murray. Why is the government refusing to accept \$25 million in federal funding for the Murray-Darling Basin Regional Economic Diversification Program, even though there is no financial risk to the government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:32): I thank the honourable member for her most important question; however, it has been asked in this place before. Let me put back on the record that, in fact, we are very happy to work with the federal government about the funding package. However, the parameters that have been put in place to qualify for that money have actually been designed around irrigators in New South Wales and in Victoria who haven't had the success in applying water efficiency measures that we have had in South Australia.

Our irrigators have been doing the right thing since the 1950s, putting in place efficient water infrastructure, and now we see that this bucket of money, that is being administered by another minister, I should add, is in fact difficult to apply for for our irrigators, because we have done a lot of the heavy lifting already, and the parameters around which this funding will be available really do favour, I have to say, the Eastern States.

I have talked recently to parliamentary secretary Baldwin to minister Greg Hunt about this measure and how much assistance he could provide us by trying to loosen those parameters in terms of the funding guidelines and I am yet to see, of course, any response to that.

Can I just say generally, I pine for the days when we used to have strong federal commonwealth ministers who would actually stand up for South Australia. I pine for the days when we had strong representation—from either side of politics; I am not being partisan here. I pine for the days when we had four strong commonwealth ministers from South Australia in cabinet—not in the outer cabinet, but in cabinet—standing up for our state.

Who have we got from South Australia in the commonwealth parliament now? Do we have a Nick Minchin? No, we don't. Do we have an Amanda Vanstone? Do we have a Robert Hill? Do we have an Alexander Downer? No, we don't. All we have is the member for fixing things up, the member who says, 'I've cleared it away, I've fixed it, I'm a fixer.' That is all we have in cabinet standing up for our state, someone who says, 'I've fixed it by funding it in a different way.' Well, we would certainly like to see the federal government fix this irrigation funding bucket by fixing it in a different way, by making the parameters for the guidelines of funding for this amount of money easier for our South Australian irrigators to access.

MURRAY-DARLING BASIN REGIONAL ECONOMIC DIVERSIFICATION PROGRAM

The Hon. J.M.A. LENSINK (14:34): Supplementary question: will the minister table the advice in this chamber that says that the parameters for the program need to be changed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:34): I have to say again that if we had the assistance that we need from this federal government and our South Australian ministers, we wouldn't have to come to the situation where they tell us, 'I want this to be a surprise for you.' I do not want to have a minister come to us and say, 'I have cleared away the problem; I have fixed it' without actually addressing the issues that apply to South Australian irrigators. They might have cleared away the problem for New South Wales irrigators, but they certainly have no interest in standing up for the interests of South Australian irrigators.

APY TJUKURPA LAW AND CULTURE COUNCIL OF ELDERS

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions on the APY Tjukurpa Law and Culture Council of Elders.

Leave granted.

The Hon. S.G. WADE: Prior to the last state election the Labor Party promised that if elected it would commit \$400,000 over four years for the APY Tjukurpa Law and Culture Council of Elders to provide cultural guidance to the APY Executive Board. This support would, the Labor Party wrote at the time, 'keep traditional owners at the centre of decision-making'. Funding for this purpose was confirmed in the state budget last June. On 21 July 2014 the former minister advised a budget estimates committee that 'Annual key performance indicators (financial and non-financial) will be set as part of the four-year funding agreement' with the Anangu Pitjantjatjara Yankunytjatjara Tjukurpa Law and Culture Council of Elders. My questions to the minister are:

1. What key performance indicators (financial and non-financial) have been established as part of the government's four-year funding agreement with the APY Tjukurpa Law and Culture Council of Elders?
2. When was the agreement finalised and how much funding was provided to the council in the second half of 2014, that is, the first six months of the four-year commitment?
3. Has the minister sought, or will the minister be seeking, to modify any of the KPIs as part of his government's efforts to raise standards of accountability and transparency on the APY lands?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:36): I thank the honourable member for his questions. Funding was committed to the APY law and culture council to strengthen Aboriginal law and culture on the APY lands and it was, as the honourable member has pointed out, an election commitment of this government. This government committed to provide \$100,000 a year for four financial years starting from the 2014-15 financial year. I am advised the last payment was made in November last year.

The payment was made to the APY Executive. I am also aware that there have been potential concerns about whether the funding has been used in the most effective and efficient way it could have been, and I have asked this to be considered as part of some of the audits that are being undertaken into financial practices of the APY Executive. I can assure the honourable member that as we move forward with better financial practices the application of law and culture money will be part of that.

APY TJUKURPA LAW AND CULTURE COUNCIL OF ELDERS

The Hon. S.G. WADE (14:37): Supplementary: do I take it from the minister's answer that the last payment was paid to the APY Executive as a response to financial controls? In other words, it would not have gone to the APY Executive directly if there were not financial concerns? To put it another way: do I take it that normally the payment would go to the council of elders itself, but the

reason it went to the APY Executive was because of the government's concern about financial issues?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:38): I can only presume that it was paid in the way most payments are made to APY, that is, through the elected body that represents APY pursuant to statute, but if that is different I will bring back a response to the honourable member.

DOMESTIC VIOLENCE SERIAL OFFENDER DATABASE

The Hon. G.A. KANDELAARS (14:38): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about how the government is protecting South Australian women and children. Sadly, domestic violence occurs all too often. I understand a database has been established so government agencies can provide better protection to women from serial domestic violence offenders. Can the minister provide the chamber with more details about the Domestic Violence Serial Offender Database?

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) (14:39): I thank the honourable member for his most important question. I am pleased to advise that the Domestic Violence Serial Offender Database, which was an election commitment by this government, is operational and the first of its kind in Australia.

This database is an extremely important measure which can be used to protect women and children from serial offenders of domestic violence. We know that the risk of women experiencing violence significantly increases if there has been a previous victim, and once an alleged offender is considered to be a repeat or serial offender this information is then provided to the relevant agency or agencies, where appropriate action can then be taken.

This database means that if a woman visits one of the state's 18 domestic violence services and informs the staff of the names of men listed on the database, then a more accurate assessment can be made and the right supports can be put in place for her immediately. We know that one of the biggest problems for women who are subject to domestic violence is that they can sometimes be hesitant, almost reluctant, to actually lodge a formal complaint, particularly with police, and can be reluctant to follow that process in the courts through to prosecution.

This database is a means of helping to ensure that there is an alert to relevant agencies when formal charges are made or intervention orders have been laid, or other complaints have come through domestic violence services. Up until now, it was certainly not easy to be able to identify if an offender was a serial offender. However, I am advised that several offenders who have been entered into the database have already been identified as repeat offenders.

The database is managed by the Domestic Violence and Aboriginal Family Violence Gateway. The state government has provided \$40,000 for its development, as well as \$10,000 each year for data entry, searching, training and other technical assistance and reporting requirements. The domestic violence serial offender database is one of a suite of initiatives that this government has introduced to help combat domestic violence. Last year the Premier announced Taking a Stand as a whole of government response to the findings of the State Coroner into the inquest of the tragic Zahra Abrahimzadeh case.

Three direct policy responses are outlined in Taking a Stand, which are well on the way to being implemented. Commencing later in 2015, the Women's Domestic Violence Court Assistance Service will provide a greater level of support within the court system for victims of violence by providing assistance to women to deal successfully with the court system and increase their access to justice. We know often these women can be very intimidated by a formal court environment, so having assistance there often makes those services more accessible.

Legal officers will provide support and advocate on behalf of women who may have difficulty applying for an intervention order or reporting a breach of an intervention order, and the service will

be free and confidential and will work closely with police prosecutors. The service will be funded by the Victims of Crime Fund.

The state government has introduced an early warning system which provides a circuit breaker in instances where a DV service provider does not believe that the most appropriate response to their client's situation has been received. It is designed to increase accountability and provide an escalation point where they have perhaps identified process flaws or gaps in the response of a government agency to domestic violence. This works very closely with the MAPS system which is already in place.

Women's domestic violence services and government service delivery agencies will advise the early warning officer of instances where the response of a government service delivery agency to domestic violence might compromise the safety of women who are victims of domestic violence. The early warning system is being introduced in a staged approach.

Finally, it is well recognised that workplaces play an important role in preventing violence against women. As such, all South Australian government departments will obtain a White Ribbon workplace accreditation and build on their existing domestic violence workplace policies in all government departments. The EO Commission of South Australia is leading that particular work. This government is a government that is highly committed to addressing domestic violence against women and their children at all levels.

DOMESTIC VIOLENCE

The Hon. T.A. FRANKS (14:44): I have a supplementary question: given that the minister noted the Coroner's position in terms of investigating and reviewing domestic violence-related deaths, does the Coroner have jurisdiction where the alleged murder was committed interstate, given the recent murder of a woman in Tasmania who was from South Australia but on holiday?

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) (14:45): That is an interesting question, Mr President. I am not sure of the answer. I do not know whether they would be captured by the other state's Coroner's jurisdiction or this state's. I am happy to take it on notice and bring back a response.

FREE-RANGE EGGS

The Hon. T.A. FRANKS (14:45): I seek leave to make a brief explanation before asking the Minister for Business and Consumer Services a question about free-range eggs.

Leave granted.

The Hon. T.A. FRANKS: Previously we have heard that this government is progressing a voluntary code for South Australian accredited free-range eggs. The minister has also previously informed this place that she has 'participated in national forums, ministerial council forums—most of which have now been disbanded by the current Liberal federal government', and noting that this issue 'has been strongly pushed and championed by South Australia', and that this was 'the best way to proceed through a nationally consistent approach'. However, as she informed this chamber in June last year, that had not been possible due to the other jurisdictions not being willing to be on board.

My questions to the minister are: does the minister still believe that a national approach is the best way forward on true free-range egg labelling? Will the government commit not to put all of their true free-range egg labels in one basket and persist with a national approach, given we have a new government in Queensland, a new government in Victoria and, in 10 days, possibly a new government in New South Wales?

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) (14:46): Don't count your chickens before they hatch.

The Hon. T.A. Franks interjecting:

The Hon. G.E. GAGO: Exactly. I have spoken about this on a number of occasions in this place and my view is that the best way to address the issue of consumer information, including that around egg labelling, is to have a nationally consistent approach. I think we are a net importer of eggs here in South Australia, but whether it is eggs or other produce, it flows across borders and in and out of the country.

My view is that the best approach is to have a nationally consistent approach: one rule for all products so that we are not imposing particular imposts on just South Australian businesses and not other business. For instance, requiring certain labelling standards here and not in other states could have an adverse impact on South Australian businesses.

I am very keen not to put all my eggs into one basket. I will continue to pursue opportunities for a national approach. The Hon. Tammy Franks is absolutely right: the ground keeps shifting. There are always new players around the federal table. I think we have a COAG consumer forum coming up in the not too distant future, so I will not give up the struggle.

BODY IMAGE CAMPAIGN

The Hon. A.L. McLACHLAN (14:48): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the government's Body Image Campaign and its commitment to improving self-image in young women.

Leave granted.

The Hon. A.L. McLACHLAN: On 14 October last year the minister responded to a previous question without notice and described how the government's Body Image Campaign aims to explore ways to boost self-esteem and develop positive body image, particularly in young girls. The minister said:

The body image campaign is designed to help empower young South Australian girls and remind them that things like character, skills and personality attributes are far more important than their weight and shape.

The minister also stated that the government wants to ensure that we have a generation of young girls who look beyond stereotypes and find confidence within themselves. The minister would no doubt be aware of the recent near-record numbers that attended the Clipsal 500 event in Adelaide, which the Premier has celebrated as 'another great South Australian event that successfully showcases what the state has to offer'.

Indeed, on 25 October of last year, the Clipsal 500 issued a media release which described the new grid girl trackside outfits as 'super-sexy', complete with 'laser cut leather, bonded knits and black mesh combined to give a high end, sexy look'. In light of the government's commitment to developing positive body image in young girls, my question to the minister is: has the minister made representations to the Premier about the issue of grid girls and the stereotype they represent, and, if so, will we see a different approach at next year's event?

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) (14:50): I thank the honourable member for his most important question and his interest in this most important policy area. I have spoken in this place on numerous occasions and, in fact, have answered many questions in this place on our body image campaign, involving building better self-esteem for young women.

It has initiated a high level of interest in this place, which I have been pleased to receive. The products from that particular project initiative have now been collated and we are now looking at ways, particularly through social media, we might be able to release the sorts of images and materials that were developed by that group of young girls and women. It will be delightful to see that work being rolled out in the near future.

In relation to other images of women around our society, I have to say that it is very easy to be disappointed. We regularly see women being portrayed in ways that I think are hardly dignified and hardly reflect a high value of women and are often very much focused on body image, and I personally find that disappointing. However, in relation to regulating against those images that aren't illegal, and I am talking about those images that comply with all of our current legislation, one has to

be mindful of trying to balance a society that has a range of different views and attitudes that we might not all share without being overprescriptive and being a nanny state. So, trying to get that balance right is very difficult.

If I put legislation through this place to ban the grid girl outfits, I could not imagine too much support for legislation of that sort, because most people would see that as overbearing, and that's not our place as legislators. What we do do is encourage, through a range of different initiatives, a respectful attitude to and valuing of women. There are a number of programs that we are directly involved in through—I have just forgotten their name. The Natasha Stott Despoja—not Our Watch.

The Hon. T.A. Franks: Our Watch.

The Hon. G.E. GAGO: It is Our Watch; sorry. That is a national organisation that the South Australian government contributes to which particularly focuses on social and cultural attitudes around women. They are involved in a number of projects, including doing quite a lot of work with the media around the way they portray images of women throughout the media and the way they talk about women as well. I think all of those things are really encouraging. It's important that we try to educate our community and, I guess, try to encourage people to understand the consequences of some of their language and attitudes and try to change that in a positive way.

BODY IMAGE CAMPAIGN

The Hon. A.L. McLACHLAN (14:54): I have a supplementary. Would the minister accept that it is within the capability of the government to make forceful representations to Clipsal 500, given that it underwrites the event, that grid girls no longer be part of the celebrations?

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): I have to say I would feel pretty uncomfortable about that; I think it is a very heavy-handed way to approach this issue. As I said, I do not appreciate seeing images of young girls with very little clothing on being portrayed that particular way in public as a positive thing, but I do not believe it is my place to interfere.

I am happy to consider the issue, but I think it is a fairly heavy-handed way to approach social and cultural attitudes. It would mean, basically, that I would be asked to complain about every image I saw of a woman that did not show the respect I thought was deserved. I think that would be an incredibly unrealistic way to approach social and cultural attitudes around women.

GREEN INDUSTRIES SA

The Hon. T.T. NGO (14:56): My question is to the Minister for Sustainability, Environment and Conservation. Can the minister advise the chamber about the consultation process for the establishment of Green Industries SA in mid-2015, and how this new body will help propel South Australia into playing an even greater role in the recycling and green sector?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I would like to thank the honourable member for his very important question. He must be reading my media releases and hearing, through *The Advertiser* articles, about the wonderful work of Zero Waste SA and the movement towards green industries.

We have made great strides in waste management and resource recovery in this state through the great work of Zero Waste SA, and have become a national and international leader in this area. For example, I am advised that as of April last year our combined efforts have resulted in about a 25 per cent reduction in the amount of waste going to landfill. South Australia's recycling efforts are also amongst the world's best, with a resource recovery rate of more than 77 per cent.

Through this fantastic effort we have also seen the enormous economic potential inherent in the waste management and resource recovery sector. This sector has grown substantially over past years and has become a significant sector within our state's economy. I am told it employs up to 4,800 people, has an annual turnover of about \$1 billion a year and contributes about half a billion dollars to gross state product, directly and indirectly.

In recognition of this sector and its potential growth and the need to diversify our economic activity and drive growth in high-value sectors, the state government wants to establish a new statutory authority to drive that transformation through this part of the economy. Green Industries SA (GISA) will be established, and will take on the job of increasing South Australia's capabilities and leadership in this green economy. Green Industries SA will build on past achievements, of course, but wants to continue to reduce waste to landfill, achieve greater water and energy efficiencies, and increase the state's capacity for recycling.

GISA will also have a strong focus on South Australian businesses and industries. In broad terms, Green Industries SA will help South Australian businesses to reduce their costs through more efficient use of raw materials, water and energy. It will administer grants to local government and industry to explore new technologies, and it will have a strong focus on supporting and growing our green economy by, for example, helping businesses find new and local overseas markets for their waste management knowledge and skills.

This is an important initiative that could unlock great opportunities for our state, with the potential to contribute to each of our government's 10 economic priorities. As we know, the successes we have achieved in this sector have only been possible because of the broad community acceptance of the importance of recycling and waste management.

It is vital, I think, that as many sectors are given the opportunity to have their say on the establishment of GISA. A consultation paper was distributed at the end of 2014 to targeted stakeholders, including relevant government agencies, the Waste Management Industry Association of Australia, the Australian Council of Recyclers, Business SA, the Australian Industry Group and the Local Government Association of SA.

The aim of the paper is to canvass ideas and feedback regarding how Green Industries SA can be best placed to achieve its goals. The paper poses a number of important questions regarding GISA's scope, establishing strong partnerships within the green economy and how they can be best established, GISA's potential role in the delivery of education and waste services, its governance and its financing.

I am very pleased to note that the feedback so far has been quite strong, with a number of parties expressing interest and making a contribution through the consultation process. The paper has been released for public consultation, I am told. I encourage members to download and have a read of the consultation paper, which is available on the Zero Waste SA website. Submissions closed on Monday 16 March 2015.

PLANNING AND DEVELOPMENT PROCESS

The Hon. J.A. DARLEY (15:01): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills, representing the Premier, questions regarding fast tracking projects.

Leave granted.

The Hon. J.A. DARLEY: About six months ago the Premier advised that the government intended to fast track projects to generate more construction activity. The proposal was to provide intensive case management to projects worth over \$20 million in order to expedite the approval process. Late last year the Premier indicated that about 90 projects were being considered for fast tracking. Can the Premier advise which projects are currently being fast tracked and provide brief details of what they are?

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) (15:01): I thank the honourable member for his important questions and will refer those to the Premier in another place and bring back a response.

NURSES HEALTH AND SAFETY SERVICE

The Hon. J.S.L. DAWKINS (15:01): I seek leave to make a brief explanation before asking the Minister for Sustainability, Conservation and the Environment, representing the Minister for Health, a question regarding a nurses health and safety service.

Leave granted.

The Hon. J.S.L. DAWKINS: It has come to my attention in recent years that the Victorian government has funded a nurses health and safety service, which provides specific and targeted assistance to nurses and other health professionals on matters such as substance abuse and mental health issues. This is a system that the Australian Nursing and Midwifery Federation (SA Branch) has long been advocating to have established in South Australia.

The attractiveness of the scheme to individuals who seek its services in Victoria is that, if you enter the scheme voluntarily, you are given rehabilitative services without the possibility of any punitive processes taking place, particularly in cases of substance abuse being engaged in with substances obtained in the workplace or in the case of unwanted or unnecessary scrutiny in a small workforce. My question is: will the minister listen to the calls from the ANMF (South Australian Branch) and establish such a scheme for our frontline health workers in South Australia?

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, directed to the Minister for Health in the other place. I undertake to take that question to the Minister for Health and bring back a response on his behalf.

SINOSA HOUSE

The Hon. D.G.E. HOOD (15:03): I seek leave to make a brief explanation before asking the Minister for Business and Community Services a question regarding SinoSA House.

Leave granted.

The Hon. D.G.E. HOOD: I note the minister addressed a question on this topic yesterday, but my questions deal with different aspects of the same issue. An establishment agreement defining the commitments of both the Qingdao National High-Tech Zone and BioSA was completed following on from the signing of the heads of agreement in October last year. The SinoSA House project is a five-year experiment, which would allow approximately 12 South Australian high-tech companies free access to space and business support in China, and the potential to establish subsidiaries and joint ventures with other companies located in China.

BioSA Chief Executive, Dr Jurgen Michaelis, has said that they would like to position SA as a technology exporter to China. It was initially hoped that this opportunity would be available to SA businesses within six months of the signing of the heads of agreement, which of course would mean implementation by April this year (or next month). At the time of signing in October it was reported that the BioSA SinoSA House project did not require any further funding. However, the state government has now committed \$180,000 in seed funding. My questions to the minister are:

1. When will the first SA business be able to access this opportunity? Will it be in April as expected?
2. What is the \$180,000 in seed funding intended to be used for?
3. When is it anticipated that South Australia could reasonably see technological exports to China as a result of this agreement?
4. What is the projected economic return to the state from this project?
5. How many businesses does the minister expect will benefit from this project?

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) (15:05): I thank the honourable member for his most important questions. Indeed, the development of this really exciting initiative does hold a great deal of potential to assist high-tech businesses from South Australia to access Chinese markets. SinoSA House, as the honourable member outlined, is placed in the national high-tech zone in Qingdao. It is a national high-tech centre. It is a centre of great importance for high-tech business developments in China. This initiative, in effect, creates a platform to enable South Australian businesses to access and engage with business ideas and market potential in China.

I am happy to get details about the \$180,000 and bring them back, but my understanding is that, generally speaking, it is to pay for a case manager who is operating to assist, particularly at the China end, in establishing office space and the other sorts of connections that are needed, the business liaising there, and also in operating here in South Australia to identify and start to get ready potential businesses to engage at this end.

In relation to the other details, I am happy to take those on notice and bring back a response. It offers great potential. It proposes to start small and make engagements with a couple of businesses to begin with and then, once we have the processes and systems in place, to accelerate that into the future. With the removal of our traditional manufacturing sectors, we have set ourselves the task of replacing those with advanced manufacturing in particular, and this initiative does help promote those perhaps small businesses or start-up businesses in South Australia to be able to access investment and market positioning internationally.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge the presence of the Hon. Mr Ian Gilfillan. Good to see you.

Honourable members: Hear, hear!

Question Time

MANUFACTURING SECTOR

The Hon. J.S. LEE (15:08): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question about targets in the manufacturing sector.

Leave granted.

The Hon. J.S. LEE: According to the government's 30-year plan, the government has set a target of creating an additional 52,400 manufacturing jobs. Yet, with the 30-year plan released in February 2010, the track record of manufacturing jobs does not reflect the government's targets. For example, the ABS Labour Force Data revealed that full-time manufacturing jobs in SA have decreased from 68,000 in 2010 to 61,000 in 2014; that is 7,000 manufacturing jobs lost within four years. *InDaily* recently demonstrated a set of statistics from 1985. It shows that in 1985, around 100,000 people were working in manufacturing in South Australia. In 2013, though, that figure had fallen to 74,000 and it continues to drop. My questions are:

1. What new strategies will the minister introduce to address the continual jobs decline within the manufacturing sector in South Australia?
2. With 26,000 manufacturing jobs lost since 1985, can the minister explain how the government intends to reach its manufacturing jobs target in the 30-year plan?
3. Can the minister outline where the 52,400 additional manufacturing jobs projected by the government will come from?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:09): I thank the honourable member for her question. Manufacturing jobs are exceptionally important to South Australia. I think the sector recognises that manufacturing jobs, as we are going forward in South Australia, are going to look very different, as the honourable member and others will be aware.

Over the past half a century, South Australia has manufactured things like cars, fridges and washing machines. That is not going to be the future for manufacturing in South Australia. We are already seeing a transition to advanced manufacturing. We are seeing a transition to manufacturing on value rather than on cost. So, although manufacturing has always been a cornerstone of South Australia's economy and it remains critical, we are going to have a very different manufacturing environment.

In 2012, the state government introduced the Manufacturing Works program. The Manufacturing Works program is a comprehensive advanced manufacturing strategy to accelerate

the transition of manufacturing towards higher value-added activities, as I said, competing on value and not cost alone. The Manufacturing Works programs are designed to assist firms in responding to the economic conditions that threaten to erode manufacturing, and are consistent with both the state government's economic priority to grow through advanced manufacturing, and particularly our economic priority No. 6: growth through innovation.

To date, more than 350 manufacturing firms have participated and/or received support under the Manufacturing Works program. If it assists the member, I am happy to run through some of the very specific strategies in the Manufacturing Works program. One of the pillars of our Manufacturing Works program in innovation is the innovation voucher program that was established in October 2012 as part of the Manufacturing Works initiative to foster innovation in the manufacturing sector and to drive ongoing collaboration.

The program has a grant budget of \$1.1 million, with \$600,000 contributed from the Manufacturing Works program for the grants. To date, 51 applications have been approved for funding of a total of \$1,753,990. Of these projects, 17 are currently in progress, 30 have been completed, and there were three programs that were cancelled. Of the 30 completed projects, 17 have completed design development, 20 have completed prototypes, 14 have completed testing and validation, and six have completed field trials or customer trials.

There is also the Small Business Innovation Research program, that has a budget of \$2.123 million in the two years to 30 June 2015. The SME innovation capacity package is another arm of our Manufacturing Works program, designed to help make that transition. There are a number of other programs that I will not go into in great detail here, but I am happy to speak further if the honourable member wants to ask me a supplementary about it.

MANUFACTURING SECTOR

The Hon. J.M. GAZZOLA (15:12): My question is to the Minister for Automotive Transformation. Minister, given the announcements, can you provide the council with an update on support for automotive manufacturing in South Australia?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the honourable member for his question. It is particularly pertinent given the previous question about manufacturing jobs in South Australia. I am saddened that there was a lot of confusion last week about the commonwealth government's support for the automotive manufacturing sector in South Australia. However, I am very proud to say that, no matter what the commonwealth Liberal government announces, this Labor state government stands firmly behind our automotive manufacturers and their workers.

Last week started with a very positive announcement from the federal Industry minister, Ian Macfarlane, that seven South Australian firms will share \$4.1 million under the Automotive Diversification program. South Australia secured more than 60 per cent of this federal funding in the first round of this scheme. I congratulate those companies which have been successful in attracting funding, and I acknowledge the hard work of Greg Combet and the Automotive Transformation Taskforce for assisting South Australian firms in their diversification efforts—a taskforce that is standing up for Australian manufacturers.

Members interjecting:

The Hon. K.J. MAHER: I also—and credit where credit is due—acknowledge the support of minister Macfarlane. This scheme is a great example of the state and federal governments working together. Unfortunately, Mr President, minister Macfarlane's support for this South Australian industry is not shared by the rest of his government, particularly the Prime Minister or the Treasurer.

This led to the complete and utter farce last week, where South Australian automotive workers were greeted with the seemingly good news that the full \$900 million that Prime Minister Abbott and Treasurer Hockey had torn from the automotive transformation scheme was going to be reinstated. Newspaper headlines said '\$900 million to be reinstated'. Later that day—that very day that the newspaper headlines came out—it was made clear that it was actually more like \$500 million, not the full \$900 million under that federal scheme.

It gets even worse: at the same time as minister Macfarlane was in Adelaide last week, his ministerial colleagues in Canberra were panicking and demanding the Prime Minister stick to his guns on scrapping support for South Australia. This led to various government spokesmen and anonymous ministers telling the media that nothing like \$500 million would be spent and the figure would be \$80 to \$120 million, and it varied depending on which Liberal was leaking to which media outlet at the time.

Amidst all this noise, this claim and counterclaim within the ranks of the federal Coalition, there was one quarter that was deathly silent: the South Australian Liberal Party. We heard nothing from the South Australian Liberals, state or federal, supporting minister Macfarlane and standing up to their Prime Minister per se. Once again, it was left to the Labor Party to pour scorn on the Prime Minister's attacks on South Australian workers and manufacturers. We know Joe Hockey and Warren Truss goaded Holden into leaving Australia. Late last year, the Treasurer was still gloating—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —that removing industry assistance paved the way for free-trade agreements.

The PRESIDENT: The Hon. Mr Maher has the call. Proceed.

The Hon. K.J. MAHER: Thank you, Mr President. But I want to inform the council of another particularly concerning element of the Liberal Party's approach to the South Australian automotive manufacturing industry that isn't as well known. In December 2012, Holden and BAE Systems won an open tender process to provide the protected vehicle fleet to the commonwealth government. This was an open tender process; you can see all the details on the AusTender website.

The Hon. I.K. Hunter: It wasn't an evaluation, was it?

The Hon. K.J. MAHER: It wasn't whatever Senator Edwards thinks is the deal he got. This was an open tender process. The contract between the commonwealth government and BAE and Holden was signed by the head of the commonwealth Attorney-General's Department in December 2012, yet, for those who are paying attention, last week some might have seen the Prime Minister touring South Australia in a shiny new BMW, not a Holden, as the tender was won.

The reason for this has become clear over the last few months. Late last year, a Senate estimates hearing was told that the contract with BAE and Holden was torn up and a contract for the protected vehicle fleet was awarded instead to BMW. BMW didn't even bid for the contract in the open tender process. Holden, meanwhile, was part of two bids, including the successful winning bid. A few weeks ago, Senator Brandis confirmed to the Senate in a question on notice that his junior minister, justice minister Michael Keenan, tore up the contract with BAE, which it won in an open tender process with support from Holden.

To recap on this matter, the commonwealth government wanted to renew its protected vehicle fleet. It went through a proper open tender process. BAE and Holden together won the contract. It was signed off by a senior public servant. Then, after the election of the Liberal federal government, a Liberal minister tore up the contract and gave it to BMW without any tender process at all.

What is it with the Liberal Party and tender processes? It is hard to understand why the Abbott government seems so opposed to allowing South Australian workers to tender for work. No tender for the subs, and even when Holden fair and square wins an open tender, it just gets torn up. The Prime Minister is happy to drive around in his brand-new BMW, but he seems completely uninterested in having a fair deal for our submarine industry.

Great challenges remain as we move closer to 2017 and the day that the last South Australian-made Holden comes off the production line in Elizabeth. But, as South Australian Labor, we will be standing with our manufacturers and their work force to ensure we minimise the magnitude of the shock that is coming. It is a pity that similar support is not emanating from Canberra or indeed from the South Australian Liberals.

MANUFACTURING SECTOR

The Hon. J.M.A. LENSINK (15:19): Supplementary: can the minister confirm that he made a similar fool of himself grandstanding at a Senate hearing last week here in Adelaide?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:19): I welcome the honourable member's supplementary question. I welcome it very much. We know that there is a vicious preselection contest going on within the South Australian Liberal Party over who gets preselected for the next Senate. We have seen most of the possible Senate candidates making complete geese of themselves, making complete dills of themselves, in their effort to try and win favour of the preselectors within the Liberal Party. We have seen them grandstanding on all sorts of issues, making completely uninformed comments right across a whole range of things.

This extended last Friday to a Senate estimates committee meeting and to Senator Sean Edwards, who has reasonable reason to believe his preselection for a winnable Senate spot is under threat, I must say, by some of those sitting opposite involved in it, but that will be a matter for another day. Senator Sean Edwards certainly made a number of points which were completely ill informed and were refuted in the most vigorous possible way.

Matters of Interest

ABORIGINAL REGIONAL COMMUNITIES

The Hon. T.A. FRANKS (15:21): I rise today to talk about closing the gap and closing the communities issue—the potential closure of Aboriginal regional communities in our country. I note that since 1973 the federal government has been responsible for funding municipal and essential services in remote Aboriginal communities and homelands.

In September 2014 the federal government struck deals with four states, being WA, Tasmania, Queensland and Victoria, which meant that the responsibility for funding those municipal and essential services was transferred to those states. In Western Australia the Premier has indicated that 150 remote communities are to be closed. South Australia has not yet entered into a deal with the federal government and it has stated that the funding of the provision of these services is the federal government's responsibility.

The one-off offer of \$10 million was rejected by the South Australian government, but as we know—and anyone who is speaking to Aboriginal communities at the moment knows—crunch day is coming. July 1 is coming, but tomorrow is Close the Gap Day and it will also be a call to action on closing the communities.

The Prime Minister has done some unfortunate things recently, one of which was eating an onion with the skin still on which I still do not understand, but even more so I still do not understand his comment that it was a lifestyle choice that Aboriginal people live in remote communities and homelands. A lifestyle choice is moving to the beach. A lifestyle choice is a tree change when you retire. A lifestyle choice is choosing a green tie on St Patrick's Day rather than a blue tie as you would regularly wear. 'A lifestyle choice' completely redacts the black history of Australia as a nation, as a nation of hundreds of nations.

Aboriginal people are concerned. Certainly on the recent Aboriginal Lands Parliamentary Standing Committee trip to Port Lincoln and Ceduna, the Port Lincoln community was very concerned and wanted answers on what was going to happen come July 1 this year to their communities. Tomorrow there will be many people across the country who will be asking: what is going to happen if we force the closure of Aboriginal communities? One thing we do know is the gap will get wider. The gap is getting wider, to our shame, but if you force people off their land and from their connection with country their health outcomes and their mental health outcomes will be worse.

The Prime Minister pointed to a lack of job opportunities and educational opportunities as being one of the reasons why he thought perhaps it was unsustainable that Aboriginal people continue to live on community. I would say it is our responsibility as a state government, and as a federal government, to ensure that there are job opportunities and that we have the capacity to do that with the levers that we pull with state contracts. Here in South Australia we should be making

sure that there are these job opportunities with any state contract that undertakes work on Aboriginal land, be that APY, Anangu people's land, or other Aboriginal communities across this state. The roads project currently being rolled out on the APY is an absolutely prime example of this. Anangu should be employed in those projects. We should be ensuring that Anangu people can actually take the jobs and not shipping non-Anangu into those jobs.

Tomorrow on Parliament House steps, I am sure we will see some colourful protest. The protest will leave Victoria Square at 12 noon tomorrow lunchtime and then proceed down here to Parliament House to let this place know, as one of many dozens of protests across the country, that people are not going to accept this issue being steamrolled through. People do not see people living on Aboriginal communities, on their homelands in their home countries, as a lifestyle choice. A lifestyle choice that is probably not sustainable by the taxpayer is more akin to a situation where perhaps Prime Minister Tony Abbott should look at not having Kirribilli as the second prime ministerial residence. Surely that is a lifestyle choice that the taxpayer is currently funding that need not continue.

Tomorrow I will be standing on Parliament House steps. I will support South Australia's Aboriginal communities to have self determination, to have opportunity, to have real lifestyle choices of actually having their culture recognised and being able to maintain their connection to country. That is a lifestyle choice that I hope members of this place will come out and support on the steps of Parliament House tomorrow on Close the Gap Day.

ELDER ELECTORATE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:26): During the last sitting week the other place made an important and long overdue call. It finally conceded that indeed the Labor campaign in Elder was a racist one. Members may recall that the member for Chaffey avoided rejection from the chamber by clarifying an assertion that the member for Elder ran a racist campaign rather than being a racist. That point, Mr Acting President, is still up for debate, however.

The following day, Tom Richardson, writing in *InDaily*, wrote an article which I think was an excellent piece, but it was also quite confronting, offering readers an insight into just how brazenly immoral the Labor Party can be, at the best of times, but particularly when there is a state election at stake. As a result of the racist flyer that was distributed in the Elder campaign, nearly every media outlet—including the ABC, *The Advertiser*, *The Australian* and every TV station in South Australia—was outraged at the blatant racist attack on Ms Carolyn Habib.

I believe it was a premeditated and well planned campaign. Members will recall in this place that I have referred before to a discussion I had with former minister Pat Conlon, where he suggested Carolyn Habib 'wouldn't fly in that electorate'. He indicated they had a plan for her and that it would damage her name. As you can see, the planning of this racist campaign started very early indeed, because that was some 15 or 18 months, perhaps, before the election.

Then, of course, you roll in the campaign manager. A senior Labor source who has been involved in the South Australian Labor Party for several decades indicated that it was Mr Tim Picton who was the campaign manager. Of course, his brother, Chris, is now the member for Kaurana. I am also a bit confused as to the role of Annabel Digance's husband, Greg Digance, who may well have been a sort of 'booth captain' or something; I am not quite sure. Members will recall that Mr Tim Picton was the architect of the 'Andrew Southcott's on holidays in Fiji' campaign, which of course failed dismally, and which was a lie and inaccurate.

These sorts of people, though, do not act alone. Every indication is that this campaign went to the very highest levels of the ALP. Of course, Annabel Digance's husband, Greg, was taunting Carolyn Habib's volunteers in the weeks leading up to the distribution of that flyer—that racist flyer—with things like 'We've got a plan for her,' 'We've got some stuff on her,' 'We've got some dirt on her.' He was continually taunting her volunteers.

Likewise, Tom Richardson's article has informed us that Labor members had said, off the record, that the authors of the infamous 'Can you trust Habib?' leaflet were cock-a-hoop on election night over the fact that the tasteless, offensive and downright factually incorrect piece had won them government. They apparently said that it was 'okay to alienate the Lebbos' if it meant another four years in power.

The article obviously infuriated the current Treasurer, Mr Tom Koutsantonis, because he was the campaign spokesman a lot of the time during the campaign. He responded on Twitter that he doubted Richardson had ever been the subject of racist taunts. Since when does it take a victim of racism to identify or advocate against it? He almost seemed to be saying that compared to the racism that he personally had experienced this act deserved no attention. Since when does he set the benchmark for racist behaviour?

Ever since the flyer was distributed, Mr Koutsantonis, in my opinion, has been trying to capitalise on the very misguided perception that those of ethnic origin who may be more susceptible to racial abuse could not possibly perpetrate it or condone it. I believe that Mr Koutsantonis and his comrades at the time have a lot to answer for, not just for direct actions but how they are grooming some budding Labor members. I witnessed some very questionable on-the-ground activity on polling day and I recall a poster that was displayed on the day having been cut in about thirds because it had some more racially unpleasant stuff about Carolyn Habib on it, but it was not displayed on election day.

This type of behaviour filters down from the highest level. It is about the culture and the values of this Labor government and it has been ingrained in some of those young volunteers who may have future careers in this parliament. It is at high levels. We have seen the Premier, the Hon. Jay Weatherill, the Treasurer, the Hon. Tom Koutsantonis, and Mr Reggie Martin, the state secretary of the Labor Party, saying there was absolutely nothing wrong with this. I believe they are saying that because they knew it was going to be distributed and they are not prepared to admit that they knew it was going to be distributed because in that way they would be absolutely condoning its use. They should be ashamed of that.

Like Mr Richardson's article, Labor will be haunted by that campaign—and so they should. Just last month I attended the Maronite Feast with the Lebanese community with the member for Waite, who shamelessly sided with the Labor Party and, in doing so, has endorsed this behaviour. The Maronite community was delighted to have Carolyn Habib as their guest on that day and she attracted an intense amount of attention. It is fair to say that that community is still offended and has a sour taste in its mouth that just will not go away when they talk about the actions and activities of the South Australian Labor Party.

THAO NGUYEN

The Hon. T.T. NGO (15:31): In the last sitting week the Hon. Rob Lucas spoke about his mother Yoshiko's journey from Japan to South Australia. The Hon. Mr Lucas also spoke about the taunts he had endured during his time growing up in Australia as an Australian with Japanese heritage post World War II.

During the Adelaide Writers Week recently I attended a book launch by two Australians. One was from Iraq and the other one was from Vietnam. The book, written by Thao Nguyen and entitled *We are Here*, is about her family escaping persecution from Vietnam through horrific jungles controlled by the Khmer Rouge in Cambodia all the way to a crowded Thai refugee camp. The book is also about challenges she and her family faced growing up in Australia.

The majority of Vietnamese refugees escaped Vietnam by boat and a small number by foot, walking through the jungles of Vietnam, Cambodia and Thailand. I am told that 90 per cent of people died using this route, and 67 per cent of people died by boat. For me, as a boat person, I had a 33 per cent chance of surviving and, for Thao, it was 10 per cent. Many people died by walking because the border of Vietnam and Cambodia was controlled by the Khmer Rouge. At that time most Vietnamese found by the Khmer Rouge controlled border would be executed. We all know what they did to millions of innocent Cambodians.

In the book, Thao described how her immediate family was almost captured by the Khmer Rouge as they tried to reach the Thai border. Unfortunately, her uncle (her mum's brother) was not so lucky and was caught by the Khmer Rouge in that trip. The uncle was blindfolded and smashed over the head with a large piece of wood. He was never heard of or seen again. Clubbing someone over the head was the way the Khmer Rouge executed people in those days as a way of saving bullets.

Thao also wrote about her father working in factories in those early years, in the 80s, in the western suburbs of Sydney, and the abuse, torments and racism that her father was subjected to at work. With very little English her father felt like a muted migrant and the placid face that he was forced to wear every day at work resulted in anger and resentment which built up over him.

One day he was pushed beyond endurance and he imploded like a crazy animal. He grabbed a metal rod and headed towards the culprit to attack. However, before he could strike his target he thought about what would happen to his family if he went to gaol. Luckily, he dropped the metal rod and walked away.

Thao's father once said that, 'In this country I have a mouth to eat with but I don't have a mouth to speak.' This story also brought back my memory of when I started school in the mid-eighties. After months of bullying and torments from classmates who were a lot bigger than me, I could not hack it anymore and decided to fight back. I fought this big kid behind the school shed after school one day. The fight was watched by many other kids and I am glad they did not have smartphones in those days or else it would have gone viral.

That was the first and last fight I was ever involved in. The only fight I have these days is a bit of fun with the opposition. Australia is a much better place to live in nowadays than in those early days when the Hon. Mr Lucas and his mother had to endure what I could only imagine would have been some horrific treatment. Early migrants like them broke down barriers for subsequent generations of migrants like myself.

Thao said she was so proud to see my photo and that of the Hon. Jing Lee in the members' room when compared to the early years of white male European faces dominating parliament. She can now say to her father that in South Australia migrants like him can have a mouth to eat and a mouth to speak too. Mr President, I recommend the book to you and other members of this parliament.

SOUTH AUSTRALIAN COUNTRY PRESS AWARDS

The Hon. J.S.L. DAWKINS (15:36): On 20 February of this year, country newspaper representatives gathered at the Novotel Barossa Valley Resort at Rowland Flat to celebrate the annual South Australian Country Press awards. Guests were formally welcomed by Country Press SA president Mr Andrew Manuel of the *Plains Producer* at Balaklava. Mr Ian Osterman of *The Courier* at Mount Barker was the master of ceremonies for the awards presentation, which displayed the passion and importance of community newspapers to their local community.

As part of the evening, I once again presented my award for the Best Community Profile. I was very pleased that this year the judge was Mr Brad Perry, a former winner of my award. As a former editor of *The Riverland Weekly*, he now is an adviser with the member for Chaffey in another place, and he did a very thorough job in judging that award. First place went to Michael Murphy of the *Barrier Daily Truth*. Brad indicated that:

Michael's story on a well-known Broken Hill identity is full of colour and flows as a great community profile should.

The second place in my award went to Ben Kelly of *The Times* at Victor Harbor and third place went to Alicia Ludi-Schutz of *The Leader* at Angaston. The other awards presented on the night included the highly sought after awards in the three circulation categories. The Best Newspaper (Over 6,000 Circulation) went to the *Port Lincoln Times*, ahead of the *Yorke Peninsula Country Times* and *The Border Watch* at Mount Gambier.

The Best Newspaper (2,500—6,000 Circulation) winner was *The Recorder* at Port Pirie, with *The Naracoorte Herald* second and *The Murray Valley Standard* third. The Best Newspaper (Under 2,500 Circulation) winner was from across the border, the *Katherine Times*, second was the *Eyre Peninsula Tribune* and third place went to *The South Eastern Times* at Millicent.

Best Advertisement (Image/Branding) was won by *The Bunyip* at Gawler and the *Yorke Peninsula Country Times* won the category for Best Advertisement (Priced Product). Best Advertising Feature was won by the *Port Lincoln Times* and the Best Supplement award was taken out by the *Yorke Peninsula Country Times*. The Best News Photograph winner was Sam Dowdy of *The Border*

Watch at Mount Gambier. The Best Sports Photograph was taken out by Laura Wright from *The Courier* and *The Courier* won the award for Best Front Page.

In the Editorial Writing section the winner was Fred Smith from *The South Eastern Times*, and Fred is well known to many members of parliament in this place. The Excellence in Journalism award was taken out by Genevieve Cooper of *The Courier*; Genevieve has won my community profile award on at least one occasion and I think, perhaps, even twice. The Best Sports Story was taken out by Louise Michael from the *Plains Producer*.

There were three new awards presented on the evening: firstly, one for digital initiative, which was won by *The Border Watch*; the Young Journalist of the Year award, which was taken out by Pamela Perre of *The Murray Pioneer*; and the Outstanding Advertising Representative award, which was won by Wendy Forbes of *The Murray Pioneer*.

Once again the night was a very professional event. I think Country Press SA puts a lot of store into making the event one that is highly regarded across the country, and certainly there were representatives there from Country Press Australia and from Country Press Victoria. It was a very good night, I think. It gives an opportunity for people who work in newspapers right around South Australia, and of course at Broken Hill and Katherine, who do not get together very often, to come together to talk about their experiences. I must say that they also have a little bit of a party.

CHILDREN IN STATE CARE

The Hon. R.L. BROKENSHIRE (15:41): I rise to place on the public record, at the request of a constituent Mr Ki Meekins, concerns he has about the process involved through the court structure, and subsequently the Attorney-General's Department payments, for very tragic and unfortunate circumstances that occurred to Mr Meekins when he was a young person. I am not personally having a go at the Attorney-General here; it is the department that I want to see get its act together in the interests of Mr Meekins.

I have to say that whilst it has been difficult for Mr Meekins, in terms of what he encountered in his early years of life, he has been a mature, committed and articulate representative not only for himself but also for the hundreds of other young people who suffered when they were placed under government care, whether that be directly in government homes or in foster care placements.

In contact my office has had with Mr Meekins, the Attorney-General's office alleged that he was not eligible for an ex gratia payment as the Supreme Court decision that was handed down in 2001 awarded him a sum of money that was for both the departmental failures and anything of a sexual nature that occurred back then. Clearly there are two separate matters. The first is the failure of the state to report significant issues of sexual and other misconduct to a person under state care to the police, which was the subject of the Supreme Court matter, and the second matter is the sexual abuse of a minor. I believe it therefore stands to reason that Mr Meekins would have been entitled to compensation both from the state, regarding its neglect, and also as an ex gratia claimant.

I am advised that an ex gratia payment has been offered to Mr Meekins. I am not aware of the exact circumstances of that, nor do I want to know them, but I understand that it was not a generous offer whatsoever and was, in fact, arguably way too low an offer for what Mr Meekins had experienced. I contacted the Attorney-General's office on 24 September 2014 regarding this matter, and we did receive a letter from the Attorney-General saying that the matter was being investigated.

There was no indication of when it would be finalised, and I informed Mr Meekins of this through my office on 29 January 2015. It is now 18 March 2015, and my understanding is that this matter has still not been finalised, after dragging on since 2001. People like Mr Meekins have to suffer enough as a result of what I have just highlighted to the parliament, but to think that they then have to wait so long to get some form of compensation for the terrible things they have had to encounter during their younger life: we have to do better than this.

All of my colleagues would support me in calling on the Attorney-General's Department to really focus diligently and with some compassion for these victims. They are victims. They have had to live with this from when it occurred, ongoing for their whole life, and a lot cannot be champions for their rights as Mr Meekins has been. I trust that the fact that Mr Meekins has been out there lobbying for others as well as himself would not be an adverse factor in any delays. I have no evidence that it

would be, but I highlight the fact that sometimes when people go out there and make representations, some people in the bureaucracy take offence to that and tend to delay situations.

In doing the right thing by my constituent, as requested by Mr Meekins, I have brought this matter to the notice of the parliament, and I look forward to the department increasing its efforts to get this matter finalised as some small compensation for the horrendous situation that Mr Meekins has admirably lived with right through his life. I hope we get a result very soon.

NEIL SACHSE FOUNDATION

The Hon. J.M. GAZZOLA (15:47): I take this opportunity to bring to the attention of honourable members the Neil Sachse Foundation's 20-year anniversary, and to the foundation's namesake, who 40 years ago suffered a life-changing spinal cord injury while playing his second VFL game for Footscray. Neil also has an SANFL premiership to his name, with 89 games under his belt for North Adelaide. I constantly remind him of his numerous suspensions, as he would easily have made the 100-game mark.

Some members may remember the foundation when it started out as the Spinal Research Fund of Australia Incorporated, and may have attended some of the countless fundraisers and awareness campaigns that raised millions of dollars to fund research that may otherwise have gone unfunded. In fact, since its inception, the Neil Sachse Foundation has contributed over \$1.5 million to Flinders University for ground-breaking spinal cord research.

Over the past 20 years Neil has worked tirelessly, advocating the issues surrounding spinal cord injury, and launched the foundation to raise funds for awareness, research and assistance to families of victims of spinal cord injury. He not only started this foundation but actively works within it, and has been formally recognised with a number of awards and nominations, including the Premier's Award for Outstanding Community Achievement in South Australia in 2009, and as a state finalist in the 2014 Australian of the Year Award.

Neil's accident was recorded on television at the time, and as a consequence significantly changed a whole raft of medical approaches to spinal cord injury, its prevention and treatment. In light of such drastic personal and physical changes, Neil must be commended and acknowledged for the path he chose to take when it would have been so easy to focus only on himself and the immense life changes he had to make.

As part of this year's 20th anniversary celebration, the Richmond versus Western Bulldogs game on 11 April will recognise the memory of Neil's accident 40 years ago, with ads run on the big screen and Neil speaking at the president's lunch. Mr Sachse said that he never had a chance to thank anyone 40 years ago, but he intends to use this platform as an opportunity to thank the sporting community that was involved back in 1975-76, and which raised funds for him and his family. This money gave him the opportunity to get by until he had time to start to feel well again and understand what he could do to be a useful member of the community.

Forty years on, he cannot help but think of how the generosity of the community underpinned his family and how that was a catalyst for why he is here today and, 40 years down the track, Neil will be asking the community to assist him again, not on a personal basis but through the foundation he created 20 years ago, to help others to continue the process of changing medical approaches to benefit society.

The foundation's next project intends to be another significant step to update diagnostics that have been around for well over 50 years, entitled 'Project Discovery'. When completed, the new technology developed by this research will help medical professionals better discover points of injury and damage not possible through current methods. However, this project will not get off the ground without strong government and community support. I would like to congratulate this organisation and Neil on 20 years of commitment, continued support and undying determination to better the lives of all those who suffer with spinal cord injuries and their families, carers and support networks.

BODY SUPPLEMENTS

The Hon. J.A. DARLEY (15:50): Last weekend, for the first time in Australia, the Arnold Multi-Sports Festival, incorporating the Arnold Classic, was held in Melbourne. The festival, named and established by Arnold Schwarzenegger, has been operating in the US for over 26 years.

However, 2015 was the first time the event has been held in Australia. The festival included demonstrations from 19 sports, 136 exhibitors, a super gym which featured seminars from the world's leading fitness experts, a martial arts festival and a golf tournament, as well as body building and fitness modelling competitions.

Holding such an enormous event in Australia demonstrates the growing community interest in the fitness industry, particularly in body building. Body building has grown to be a multimillion dollar industry with competitors often pushing their bodies to the limit to win competitions and lucrative sponsorship deals. These limits are often tested further with the assistance of drugs such as anabolic steroids, growth hormones and insulin and, whilst these practices may be commonplace within the industry, the growing interest in fitness has seen an explosion of products flooding the marketplace.

Supplements such as branched-chain amino acids, creatine, nitric oxide and diindolylmethane are all readily available in the growing number of health and fitness stores. The popularity of these products is also demonstrated by the number of young people who no longer pre-load on alcohol before going out but instead take a pre-workout supplement. This is particularly popular with young women, as the supplements are far lower than alcohol in calories and sugar. Further to this, our young men are often turning to these products in their struggle with body image to try to achieve the ideal buff body.

I would be surprised if many consumers were aware of what is in these products. However, they probably feel they are safe as they are so readily available. Side effects are often not listed and researching the ingredients would be beyond most without a science degree. It may be merely coincidental, but the increase in late-night violence seems to be somewhat correlated with the increase in popularity of the consumption of these sorts of products.

As these products are designed to make your heart race and emulate the physiological 'fight or flight' response to danger, it is no wonder that there is an increase in aggression for individuals who consume them. Disturbingly, in 2014, the Centers for Disease Control and Prevention reported that a particular supplement used for weight loss or muscle building was linked to nearly 100 cases of hepatitis in the US.

It is believed that a new ingredient called aegeline, which was added to the supplement, caused the illness. However, as the FDA in the US is only responsible for regulating products after they are released, there is no requirement for companies to prove that their product is safe. Effectively, in these cases, the consumers were the guinea pigs for the products, and it was only by their falling ill that authorities were alerted to the problem.

I should note that, remarkably, none of what I have mentioned today is illegal. Last year, the practice of administering peptides and injecting individuals with calves' blood was exposed to the public thanks to the controversy at the Essendon Football Club. Again, whilst many may find this unsavoury, it is not illegal. These products do not seem to receive the same attention and scrutiny as other ingestibles, and, as it is a developing field, little seems to be known about the long-term effects. As lawmakers, I believe we have an obligation to investigate the effects of these products have on people both physically and psychologically, and, in turn, the effect this is having on the community.

Time expired.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: KANGAROO ISLAND NATURAL RESOURCES MANAGEMENT REGION

The Hon. G.A. KANDELAARS (15:55): I move:

That the 100th report of the committee, on the Kangaroo Island NRM Region Fact-Finding Visit 5-7 November 2014, be noted.

In early November 2014, the Natural Resources Committee visited Kangaroo Island's Natural Resources Management region. It was the committee's first visit to the island since 2009. As with previous committee visits, native vegetation management remains a source of debate. Kangaroo Islanders face a number of disadvantages compared to mainland South Australia: high transport

costs, longer times to ship produce off the island, and difficulties attracting investment were all mentioned many times by witnesses.

It was clear that there was a difference of opinion between Kangaroo Island Council and Natural Resources Kangaroo Island over what constitutes appropriate development on the island. Members heard of a number of proposed developments that have been unable to proceed. The committee suggested that the soon-to-be-appointed Kangaroo Island commissioner may well be placed to bring the two sides together. Issues that concerned Kangaroo Island Council in particular were roadside vegetation clearances for improved road safety, marine park legislation, and plantation forestry.

The council suggested it needed greater control of roadside vegetation and criticised the veto DEWNR has on development proposals, which require referral to the Minister for Sustainability, Environment and Conservation. However, councils should be careful what it wishes. While development for the island is desirable to ensure its long-term future, development needs to be sensitive to the island's unique qualities.

Maintaining biodiversity and the integrity of native vegetation, including on roadsides, is important for wildlife and also for tourists (in particular, highly valued overseas tourists). Members were impressed with the work of DEWNR animal and pest control officers, who are in the final stages of removing feral goats and deer, and are also attempting to tackle more difficult pests, including feral cats, feral pigs and peacocks, I understand, with very limited funding. The levels that the officers go to to see the removal of these feral species is quite remarkable, and I commend them for their efforts in this.

Koala management is a continuing issue on Kangaroo Island. Committee members were again made aware of the high recurring costs of the sterilisation program and wondered whether it might be more cost-effective for non-government organisations to do this work.

However, committee members understood that it would perhaps be unfair to compare the costs of managing feral animals with that of managing koalas, given that culling is certainly not a political option. Koalas and their negative impact on vegetation needs to continue to be managed, with consideration given also to their role as a tourist drawcard.

Committee members were also impressed with the efforts of two entrepreneurial landholders involved in marron farming. They saw considerable potential for these enterprises to expand, building on the island's clean, green reputation and relatively abundant water resources. I must say, at one of those places they actually had a dam of one gegalitre of storage—quite remarkable—more storage than the local water source for Kingscote, if I am right. There remain some hurdles, particularly in areas of predation of marron by birds, and one of these landholders actually uses nets over their ponds to try to limit bird predation.

I wish to thank all those who gave their time to assist the committee with this visit. In particular, I would like to thank the member for Finnis Michael Pengilly MP, who made time to meet the committee, even though it was a very difficult time for him with his mother's passing on the final day of our visit. The committee did send Mr Pengilly a condolence card after our visit, and I would like to take the opportunity to put on record the committee's heartfelt condolence to Mr Pengilly on the passing of Mrs Maureen Pengilly on 7 November 2014.

Some of the other highlights I would like to mention are work being undertaken to introduce tourist walking trails, particularly in the Flinders Chase National Park. These are high-value initiatives, seeking to get high-value international tourists to actually undertake some remarkable walks through Flinders Chase National Park. Another highlight was the visit to the farm of Andrew Heinrich and the soil conservation that he was undertaking on his farm using kikuyu pastures to provide stability and to try to avoid erosion that occurs at certain times of the year because of the heavy rainfall in the area.

Andrew also raised the issue that farmers face (particularly farmers who have good conservation credentials) in terms of native veg clearing. I believe he raised a very important issue about the fact that those who behave well should be given more credit for the initiatives they take in terms of protection of native vegetation. Hopefully, the minister could take some notice of the issues that Andrew Heinrich actually raised.

Finally, I would like to commend the members of the committee—the Presiding Member the Hon. Steph Key MP, Mr Jon Gee MP, Mr Chris Picton MP, Mr Peter Treloar MP, the Hon. Rob Brokenshire MLC, and the Hon. John Dawkins—for their contribution to this report. All members, as usual, have worked hard and cooperatively on this report. Finally, I would also wish to thank the assistance of our committee staff at the time: Patrick Dupont, who is the committee secretary, and David Trebilcock, who has now left the committee but has been a marvellous research officer. I wish him well in his future endeavours. I commend the report to the council.

The Hon. J.S.L. DAWKINS (16:04): I rise to support this motion. I also indicate that the Hon. Mr Brokenshire has indicated that he will not participate in this motion, but supports it going through and is very happy for it to go through today.

I think the importance of visits like this by a committee such as the Natural Resources Committee is one that cannot be overstated. I think it is always appreciated by local members and the presiding member of our committee, the Hon. Steph Key, goes to great lengths to make sure that local members, and even members of this place who have an interest in a matter, are always invited to participate in our regional visits. I think that is something that our committee holds to be very important.

It is interesting that in recent times the Premier has dictated that all standing committees must take at least one regional visit, and while I commend that I think it should not have to be dictated by the Premier. Certainly our committee makes a regular occasion of these visits. I think we like to try and get to every board within our jurisdiction at least once in a four-year election cycle. Now, that is not always quite possible. Certainly the last visit that this committee made to Kangaroo Island was in 2009, but there are sometimes issues of timing and sometimes of resources too, as the Hon. Mr Kandelaars will attest.

I unfortunately was not able to remain on the island for the whole of the visit, but what I was able to participate in was very informative and I must say enjoyable. It is a part of South Australia that I always enjoy visiting, and, while the Hon. Mr Kandelaars did highlight some of the challenges the island and all islands will always have, they also have great resilience and there are many people on that island who have been there for a large number of generations.

There are a couple of things I would like to highlight in my recollections of that visit, including the extraordinary revegetation project that had been undertaken with a lot of work from local authorities on what is private land at Cygnet River. I thought it was quite extraordinary to see what had been basically cleared cropping land in an area that I would say was far too wet to be successful cropping land, but these decisions were made probably over a century ago. That land has been revegetated with a lot of voluntary effort and I was very impressed by what had happened there.

Also, as the Hon. Mr Kandelaars has mentioned, there is the very good work being done with feral animals. Kangaroo Island is quite famous for its very fortunate lack of some animal pests, but it does have significant challenges with feral goats, feral deer, feral cats, and feral pigs. I think certainly in the western end of the island where there are fewer people there are more of the challenges presented by these animals. I think the board is doing significantly good work there with very limited funding. I think they are making the money go a long way with their local knowledge in managing those animals. Certainly, for the future of the island, I very much support the recommendation that indicates that the government ought to provide some more assistance towards managing particularly those four feral species.

In closing, I just wish to add my comments and thanks to the presiding member, the Hon. Steph Key, to all other members of the committee and to the committee secretary, Mr Patrick Dupont. Of course, I also thank David Trebilcock, who has retired from the position as the committee's research officer. He was in that position for the entire time that I served on the committee, up until the end of last year.

David was passionate and he put a tremendous amount of effort into the preparation of reports. Even sometimes when the committee perhaps watered down a little bit of that passion, he took that in the very best way. He had an extraordinary ability and, I suppose, a willingness, to transcribe conversations that he would tape when we did not have Hansard with us. If we were out on site, he would make sure he had the best possible tape recorder, and he would love to transcribe

the presentations that were made to us that were not formal evidence, but it was still valuable to do that.

Having been tasked many years ago to do that by the Rural Council of the Liberal Party, I can attest to the fact that transcribing like that, particularly if you are not a trained typist, is a very slow job. I pay great tribute to Hansard's ability to do that work, but also I congratulate David again for the way in which he almost sought the opportunity to do that. With those words, I commend the report to the council.

Motion carried.

Motions

THE NATIONAL INDIGENOUS TIMES

The Hon. T.A. FRANKS (16:13): I move:

That this council notes—

1. The immense contribution of *The National Indigenous Times* as a powerful voice for Australia's First Peoples;
2. The investment made by the founders of *The National Indigenous Times*, John and Beverley Rowsthorne;
3. *The National Indigenous Times'* record as Australia's most awarded Indigenous publication, including a Walkley Award for Indigenous coverage in 2005; and
4. The sad departure of the newspaper from the media landscape following an announcement that its parent company, Destiny Publications, had gone into voluntary administration in January and the subsequent closure of the newspaper in February 2015.

I wanted to move this motion today to recognise the passing of *The National Indigenous Times'* print and web-based news operation that operated as a powerful voice for Australia's First Peoples. It shut its doors—if you like, its metaphorical doors—in February this year.

It was started through an investment made by John and Beverley Rowsthorne, who are described by Marcus Wollombi Waters, who was one of the newspaper's contributors, as 'loving grandparents of Aboriginal children'. It has a record as Australia's most awarded Indigenous publication, a very proud record. It won a Walkley Award in 2005 for Indigenous coverage, and a Walkley High Commendation in 2004. More recently, it has received several other gongs from the Multicultural and Indigenous Media Awards.

While the newspaper was described by some as past its prime—and I think many would acknowledge that print media is facing particular challenges in this new millennium—in its final few years I think we can all agree that the efforts upon which it was founded and the history of providing a voice to Indigenous Australians is highly commendable and should not pass without being noted. It is a sad departure to see this publication lost from Australia's media landscape.

It has been in financial trouble in recent times and it went out because of litigation. An announcement was made about its impending closure earlier this year with ads put online seeking expressions of interest in trying to make it a viable proposition into the future. That is when I became aware that it was shortly about to close its doors. Its parent company Destiny Publications went into voluntary administration in January this year. Sadly, that call for financial support was not met with enough support in dollar terms to ensure the continuation of the newspaper but certainly the outpouring of support online and the special role that this paper played in ensuring an Aboriginal voice in the debates that affect not only Aboriginal people in this country but, indeed, in this country's debates is something that was put forward very strongly.

The departure of this magazine also comes as just the latest in a string of losses, following the departure of *Deadly Vibe* magazine, a magazine which promoted the achievements of Aboriginal and Torres Strait Islanders in the fields of sport, music, health, education, community and the arts. Funding for that magazine was cut by the federal government and redirected—or supposedly redirected—to frontline services from 1 July 2014.

I lament the loss of that magazine also from the public space. It was a magazine that profiled indigenous achievement, achievers and role models for close to two decades. I note the importance of positive stories and the importance of not just self-determination but self-esteem, and the way that media can ensure, through positive stories, that we can challenge stereotypes. That is certainly a sad loss.

It also follows on from the cancellation of *Tracker* magazine which was a contemporary Aboriginal rights-based magazine which used to be produced by the New South Wales Aboriginal Land Council. Journalist Gerry Georgatos, who was one of the main journalists that I had contact with in regard to this particular publication, said:

We brought to the fore voices which had until then remained unheard—from shanty towns around the nation, from the coalface, and from people burdened by injustices where prejudice and racism prohibited them their right to have their say.

The newspaper was commendable on so many grounds but its journalists, including Mr Georgatos, never earned a wage, only a small fee for expenses. Mr Georgatos continued:

Those whom I will remember most are the many people I wrote stories for and about, who we campaigned for, who we advocated for. We worked at a pace to produce as many stories as fast as possible, so as many souls as possible could be heard. I will never forget those who went unheard. We tried desperately to give a voice to the voiceless.

As Dr Woolombi Waters wrote:

It was the *National Indigenous Times* which raised the issues of self-harm, incarceration and suicide long before they became national concerns.

Those issues remain with us. As I noted previously in this place today, tomorrow is Close the Gap Day and yet the gap is widening and we are seeing the loss of yet another Aboriginal voice. I commend the newspaper's efforts over two decades, and I commend this motion to the council.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

THE JAM, THE MIX, THE GIG

The Hon. T.A. FRANKS (16:16): I move:

That this council—

1. Acknowledges the extraordinary work of The Jam, The Mix, The Gig (The JMG)—a longstanding and successful community arts mental health program;
2. Notes The JMG's previous shared funding arrangement via the SA Mental Health and Substance Abuse program and Arts SA's Arts Organisations (Disability) Program;
3. Notes with concern that The JMG's application for funding through Arts SA has not been renewed; and
4. Calls on the Government to work with stakeholders including Arts SA to explore alternative funding pathways to ensure that The Jam, The Mix, The Gig (The JMG) can continue this important program.

I move this motion to acknowledge the extraordinary work of The Jam, The Mix, The Gig and note that The Jam, The Mix, The Gig, as an arts mental health program of some longstanding in this state, has not secured the \$26,000 per annum it needs to keep the program going. While it has secured the mental health component of its funding for this year and into the future, it has not secured the arts component of that funding.

I raise this issue to draw it to the attention of all members of this place (in the other place and in this council chamber). A small amount of money, \$26,000, for a program which if we did not already have it in this state we would have to recreate. I feel it is something that should not go unnoticed by this place and that we should all make every effort to save The Jam, The Mix, The Gig for its valuable work. It has already seen strong community support, with almost 400 people signing a petition that was forwarded to minister Snelling in February, drawing his attention to the impact that the loss of The Jam, The Mix, The Gig will have. I will note just some of the words of those who signed that petition. Jim wrote, in support of this program receiving ongoing funding:

This group used to meet at the SA Folk Centre before it closed down. I worked behind the bar there for several years and enjoyed numerous gigs organised by the musicians. I can personally vouch for the benefits of the program gained by the participants.

Keith writes:

This program contributed to saving mine and many others' lives. It gave me purpose and strength and courage to follow my passions and be the artist that I am today. I believe this would be a great mistake to pull the funding for this amazing program.

Bonnie says:

Such a worthy cause, music has that feel good vibe, it can bring out of a low moment or take you to your wildest dreams.

Dino says:

There is no question about the value and therapeutic benefits of music...countless scientific studies can validate that the benefits are enormous! Let's hope that individuals and groups using music for the purposes of healing and promoting optimal states of health and well-being can continue to be supported.

Helen says:

Variety and quality of musical experiences are essential for promotion of wellbeing of those affected by mental health issues. Already these people are disadvantaged through the loss of the Bach to Blues Programme. Speak up on their behalf.

Jenny says:

Survivors of mental health need this program to keep us sane or happy or positive. Don't rob us of such a great support outlet for our creativity.

These are just some of the dozens of messages of support. I note that usually when there is an online petition people simply sign up and do not write why they are signing, but The Jam, The Mix, The Gig has dozens of such messages from people who have been personally impacted by the power of this program. I say to those members listening that if you really want to tackle mental health one of the best ways to do it is through the arts, and music is a perfect art in this case that has been successful in not only supporting those who suffer from mental ill health, but in providing a way for them to promote and progress in their journeys to recovery.

So what is The Jam, The Mix, The Gig? Well, there is the jam, the mix, and the gig; pretty simple, really. The Jam is a music jam session where you can go and share your music skills with others, try out some ideas, write some songs, or just have a go and enjoy being part of having a good time with music. That is held twice a month. The Mix is a music skills development session and a chance to present your songs or poetry or whatever it is you have to bring to the group and get help in developing your confidence and skills. It is also held twice a month.

Then there is The Gig, which many of us would be familiar with not necessarily as performers but certainly as audience members. The Gig is a performance event to a general public audience. It gives participants the opportunity to perform their work to the best of their abilities and to receive recognition for this. There are various performances throughout the year.

I know there is a raft of opportunities for performances, and, of course, many of them have been most welcome and celebrated events of mental health weeks, but they go much broader than that. I note that legendary Adelaide musician Chris Finnan, who I was honoured to help induct into the Blues Hall of Fame and who has been internationally recognised for his work around the world, is just one of the many musicians who have been involved in the gig section of The Jam, The Mix, The Gig.

Heather Frahn—again, a well-known South Australian artist—has been involved in The Jam, The Mix, The Gig for a long time, and she says, in her support of the continuation of funding for the JMG:

The JMG is a crucial music community program. I can't imagine Adelaide without it! It fills an important role that has helped literally save lives over the years. I can't think of any other community program that has done so much for people with mental illness in terms of skill development, connection, creativity and opportunity. Please keep it going.

I hope this motion is just one small part of ensuring that we can keep it going. I know the minister has suggested that Arts SA work with The Jam, the Mix, the Gig to identify possible funding opportunities, and I draw attention to the fact that the Adelaide City Council recently held onto the bond from the Soundwave music festival when they exceeded noise limitations put on them. I suggest that perhaps a good use of that bond would be to keep The Jam, The Mix, the Gig going. We will certainly write to the city council to see if they will consider that request.

It is \$26,000 per annum to keep this valuable, well-recognised and loved program going, which is but a drop in the ocean. It is a small drop, but it will have a massive impact. I look forward to other members of this place making a contribution and taking an interest in the campaign to keep The Jam, the Mix, the Gig going. I will be bringing this motion to a vote, and I look forward to working with members of this place to ensure that when we do bring it to a vote we have a happy and positive solution. They say that music may soothe the savage beast, but it may also make mental health more possible. With that, I commend this motion to the council.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

Bills

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. J.S.L. DAWKINS: In response to a number of honourable members' questions, and following contact from constituents, I advised the council on 25 February this year that I was considering amendments to certain sections of the Family Relationships (Surrogacy) Amendment Bill 2015. After receiving advice and a great deal of consultation, I wish to put on the record my position on a number of issues and potential arrangements that have been raised. In response to the Hon. Tung Ngo's question:

As a man I will never be able to understand the emotional bond that develops between a mother and her baby during pregnancy, but I can foresee a scenario where surrogate mothers who have previously come to an agreement with commissioning parents then decide that they want to keep the baby. How is this issue dealt with? I would also like to know what information will be available to women who are considering placing themselves on the register. It is a very big decision to make.

After contact from several constituents on similar issues, I indicated that I was considering amendments that may provide a legal circuit breaker in these situations. It is important to note that South Australia is not unique in the commonwealth when it comes to the issues of presumed parentage, parentage orders and surrogacy, as these legal hurdles have been experienced a number of times in a number of jurisdictions.

However, after further discussions I am advised that the experience of individuals caught up in these situations was an unintended practical roadblock from the original legislation passed by this parliament a number of years ago. The original legislation quite deliberately required the agreement of both parents and the surrogate as necessary preconditions to a parenting order being made by the court.

If a legal circuit breaker were inserted into the legislation, it may require a court to make a parentage order without the consent and, potentially in some cases, directly in opposition to the wishes of an individual who would be directly affected and party to such an order. It seems that it would be an unusual set of circumstances that would require the judiciary to step in.

For members' benefit it is worth noting that the current legislation, for instance section 10HB(8), currently allows the court to dispense with:

- (a) the agreement of a surrogate in certain circumstances where their consent is not possible to obtain in order to grant a parentage order; and
- (b) if the situation where one of the parents, party to a recognised surrogacy agreement, dies after the agreement was entered into, and therefore an indication of agreement from that party would no longer be possible, the court can still grant a parentage order.

With that being said, flexibility already exists in the legislation to accommodate a number of circumstances when consent for a parentage order may be difficult to obtain from one party, and the limits that currently exist to me seem sensible and should be retained.

It is not my intention to prevent, nor does it seem to be the case that a court could not make a parentage order where one parent party to the recognised surrogacy agreement gives consent but the other does not. Section 10HB(9) of the current legislation states only that the court take this fact into account when considering an application for a parentage order. It does not prevent the parentage order from being made.

This provision is backed up by section 10HB(13)(a), which provides for the ability to deal with the commissioning parents jointly or separately. Whilst the court may still choose to refuse orders in certain circumstances, in my opinion the current legislation provides sufficient flexibility to deal with the circumstances mentioned by the Hon. Mr Ngo. A further question from Mr Ngo asked:

Another question I would like a response to is whether this amendment bill is effectively setting up an industry, whether altruistic or not, which needs adequate safeguards built in to provide certain protections for all parties involved. Even if a surrogate acts out of altruism, she would still expect that the necessary expenses she has incurred throughout pregnancy would be accounted for by the commissioning parents. If this does not occur, what protections are available in this bill? What if there are unexpected complications in the pregnancy, and this changes the attitudes of commissioning parents? Do these matters become a purely civil issue with no protections available to the surrogate mother?

Again, after speaking with several constituents, as I indicated previously to the committee, I was considering bringing an amendment to broaden the definition of what costs surrogates may be compensated for.

However, whilst I am not in any way opposed to compensation for costs that surrogates incur during a pregnancy or even under a broadening of that definition, I am concerned about the practical effect of a provision that broadens recompense from out-of-pocket expenses to 'related' expenses and the potential for misuse.

The last thing I want to do is to scuttle the hard work that has been done in this state to get laws regarding surrogacy to the point that they are today by unintentionally allowing misuse of a provision inserted into the legislation with the purest of motives which makes it easier for individuals to abuse the provision for compensation and, in one form or another, allow commercial surrogacy in this state through the back door. For these reasons, I intend to leave the provisions for compensation of costs for surrogates as they currently stand.

I have also been contacted by a member of the public who has herself selflessly offered to carry a child as a surrogate for intending parents. An issue raised by this woman, who has actually been through the process in South Australia, is the fact that post birth counselling for surrogates, whilst compulsory at the beginning of the surrogacy agreement, is not compulsory post birth.

After hearing the concerns of this constituent and being able to, at least, fathom what emotional impact having a child for someone else, having a mother-like bond and then quite rightly handing the child on to the intending parents would have both emotionally and physically on a surrogate, I believe mandatory counselling post birth must be offered to these incredibly selfless women.

In this vein, I intend to have an amendment drafted to reflect this in the bill and ensure that surrogates who engage in this process receive the support they need post pregnancy. I do not intend to make noncompliance with this provision a criminal offence, however. I do believe this protection should be offered to those women who selflessly offer themselves to deliver arguably the greatest gift anyone could ever give.

I would further like to reiterate to the council answers I have previously given in this place and also answers to questions I have received from constituents since this issue was first brought before the parliament. In response to the question of whether the state framework for altruistic surrogacy as described in the bill will apply to an overseas arrangement, even if it is a commercial arrangement, I advise the council that the framework itself is not a substantial legal document and therefore is more of a guide or summary of information from which to work.

This bill does not provide for an offence or sanction for not complying with the framework as developed by the minister. The framework is designed to inform decision-making and qualify some offences, such as those in section 10H of the bill and also sets out the requirements that would be imposed on or in the proposed surrogacy register.

For an overseas agreement, commercial or otherwise, to be captured by this part, it would need to be a recognised surrogacy agreement, and, for the purposes of overseas surrogacy, be a prescribed international surrogacy agreement as defined in section 10F of the bill. Therefore, if this is not the case, it is not intended that it be affected by the framework; however, the responsible minister, if the agreement is that contemplated by paragraph (b) of the definition of a prescribed international surrogacy agreement, will be required to adhere to the conditions included in the framework and referred to in section 10FA(3)(c) of the bill.

Secondly, in response to the question of whether overseas arrangements need to go through the Youth Court in South Australia to confirm and/or recognise parentage, I advise the council that yes, that is the case. To get a parentage order from the Youth Court for an overseas arrangement, the request would need to come out of a recognised prescribed international surrogacy agreement, and the commissioning parents would need to reside in this state. If a parentage order is not sought, the usual presumptions of parentage would apply in South Australia.

Finally, in response to the question of whether the bill will place an obligation on intending parents who are bringing a baby back from somewhere overseas to then have to go through a parentage order application through the Youth Court here in South Australia in relation to that baby, I advise that that is not the case. It would only be in the case where the individuals concerned wanted to be the legal parents under the law of South Australia. In that case, they would need to obtain a parentage order through the Youth Court. If this is not the case, the ordinary parentage presumptions will continue to apply in South Australia.

I would finally like to place on the record some information which I received yesterday from the office of the Attorney-General regarding COAG's recent discussions on surrogacy arrangements across the commonwealth. The two points provided are:

The Attorney-General is advised that [Western Australia] raised the issue at the most recent COAG meeting (in October 2014) during discussions on intercountry adoptions, particularly due to the 'Baby Gammy' incident. COAG agreed that COAG Senior Officials (that is, the Chief Executives of First Ministers departments) would consider the merits of a national overseas surrogacy scheme...

In the meantime, the Attorney-General understands that the [Western Australian] Attorney-General has recently written to the [Attorneys-General] in all jurisdictions suggesting that they discuss the issue through the Law, Crime and Community Safety Council; on 6 March 2015 COAG Senior Officials agreed to leave the issue to the [Attorneys-General] to progress through that forum.

I would like to thank the Attorney-General's chief of staff, Kim Eldridge, and ministerial liaison officer, Peter Geytenbeek, for keeping me up to date with this information so that I could provide it to the council.

Since I brought this bill to the parliament, I have been in contact with a number of interested stakeholders and constituents. They have brought to my attention a number of issues and questions, along with those raised in this place. For the benefit of the council, I advise honourable members that I am still actively considering a number of these issues and others which have come to my attention, and will advise honourable members of further information and potential amendments if and when they become available.

Can I say that I think the overwhelming majority of people who have contacted me have been very supportive of the intent of the bill. Obviously there have been some questions that I have attempted to clarify, and I will continue to do that in due course. I am very happy to hear from any honourable members any questions that they or their officers have arising in relation to the bill and, more particularly, my clarification today and on the previous occasion that the committee met.

I do appreciate, once again, the assistance that parliamentary counsel and Mr Brad Vermeer of my staff have provided. It is a significantly complex matter, and it is one that I wish to get the absolute best result for this state and the couples who have approached me, who are, in the main, very private about their own situations, but they are very encouraging of my work.

I intend to have conversations with some members in the next week. I know that certainly the Hon. Tammy Franks is one who has already made that arrangement, and I am happy to do that with others. Given that our next sitting week is actually next week, I indicate now that I will be actually asking to take the bill through its remaining stages and have a third reading vote on Wednesday 6 May 2015.

Progress reported; committee to sit again.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

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

Second Reading

Adjourned debate on second reading.

(Continued from 12 February 2015.)

The Hon. R.I. LUCAS (16:52): I rise on behalf of members to support the second reading of the Public Finance and Audit (Treasurer's Instructions) Amendment Bill 2014. As I have indicated to the Leader of the Government and to the whip, originally I thought we might be able to pursue some of these issues through the committee stages today, but having looked at the range of questions I think it would be fairer, and certainly from my viewpoint I think it would make more sense, for me to raise a whole series of the questions at second reading which would allow the minister to get advice from Treasury in particular on some of these, and it may well significantly short circuit the committee stages of the debate. My position is that I am certainly happy to support the passage of the second reading today, but not the continuation through the committee stages today.

As the government outlined in its second reading, the bill seeks to clarify matters relating to the application and scope of Treasurer's Instructions and makes minor amendments of a statute law revision nature. The amendments the government says seek to improve the general understanding about the relationship between Treasurer's Instructions and provisions of an act providing a public authority with functions and powers.

In the general discussion we had with government advisers in relation to the requirement or the need for the legislation one particular example was given and that related to the issue of what was then known as WorkCover, and I guess it is now ReturnToWorkSA. That was a different viewpoint between the government and WorkCover in relation to its requirements.

As outlined to us, WorkCover is a public authority for the purpose of the Public Finance and Audit Act, and the government's position was that it was therefore intended to be subject to the requirements of the Public Finance and Audit Act and Treasurer's Instructions. We are advised, however, that WorkCover had obtained legal advice that indicated they believed that the provisions in the WorkCover Corporation Act meant that they did not have to comply with the Public Finance and Audit Act or Treasurer's Instructions in certain cases. We are advised that the government advised the Solicitor-General disagreed with WorkCover's interpretation and the bill was intended to ensure that WorkCover and any other public authority had to comply with the Public Finance and Audit Act and Treasurer's Instructions.

Again, the minister, on advice, may well be able to correct this, but my understanding is that the provisions in the WorkCover Corporation Act that have raised the issues related to the powers under section 14(2), which is:

The Corporation may, for example—

- (a) enter into any form of contract or arrangement

The issue was whether under that act WorkCover and WorkCover alone had the authority to enter into any form of contract or arrangement, or whether they were subject to various requirements under Treasurer's Instructions in relation to needing the approval of someone other than themselves before they entered into a contract.

I seek from the government advice as to what were the particular circumstances of the contractual arrangements that WorkCover was seeking to enter into which created the problem, and the dollar value of that particular contract, because clearly the Treasurer's Instructions apply to contracts above a certain threshold. I seek some detail on the particular concerns that were being expressed: what the contract was and, I guess, more detail as to WorkCover's view in relation to that particular difference of opinion.

The government has obviously sought to correct the issue by the legislation that we have before us, so I am interested to know what WorkCover board's or ReturnToWorkSA board's view is in relation to this legislation. Is the board prepared to accept that this legislation will clarify issues in relation to their ability to enter into contractual arrangements? Has the board expressed any concerns that the passage of this legislation may well inhibit the responsible and proper operation of ReturnToWorkSA in terms of managing its business as we move forward if this legislation was to pass?

To that end, I also ask from the government whether any other public authority has expressed any concerns in relation to the bill that we have before us, whether any other public authority has expressed a concern that the passage of this bill may well inhibit the reasonable operation of that public authority in the future and in particular their ability to enter into contracts and manage their business.

I also note in relation to the bill the contribution from the member for Schubert in the lower house, who referred to the Auditor-General's Report. I am not sure whether he specifically asked questions, but he did raise some issues, and I want to indicate that, those issues having been raised, I am seeking a response specifically now from the government on the issues originally raised in the Auditor-General's Report.

They raised in particular some concerns in relation to the purchase of an artwork or painting by the Art Gallery Board. The Auditor-General—and I will not repeat the detail of the Auditor-General's Report—raised some concerns in relation to the purchase of this particular artwork, their entering into the contract, and whether or not it was consistent with Treasurer's Instructions. The questions that I seek a response to are as follows:

- Are the matters that have been raised in the Auditor-General's Report in relation to the Art Gallery Board matters which the government believes will now be clarified and resolved by the passage of this bill?
- If so, how will that impact on what occurred in relation to the example given by the Auditor-General of the purchase of this particular artwork; that is, how will it clarify where responsibility lies?
- Will the Art Gallery Board, for example, need to seek the approval of someone else other than itself in relation to the purchase of expensive artwork above a certain contract value if this bill is now passed?

I seek specifically a response from the government in relation to the impact of this bill on the issues raised by the Auditor-General in relation to the Art Gallery Board's purchase of an expensive piece of artwork. I also ask specifically whether either the Auditor-General or a government agency has raised any issue in relation to a potential conflict between Treasurer's Instructions and the powers of the Festival Centre Board in relation to various contractual issues. I ask the government to indicate whether or not any issues have been raised and, if they have, what was the nature of those issues and how will they potentially be impacted in the future by the passage of the bill?

When I first had the briefing from government officers I had some concerns which I think have probably been resolved but I seek confirmation of that in relation to how this particular bill would operate in relation to specific examples where the parliament has taken the view that an independent board should have the power and that a minister should not have the power. The example I give is in relation to the operation of Funds SA.

Under section 21 of the Superannuation Funds Management Corporation of South Australia Act 1995, direction of the minister, it outlines that ministerial directions can be made in a number of circumstances, provided that certain things are done but that a ministerial direction must not include

a direction to the corporation in relation to an investment decision dealing with property or the exercise of a voting right.

It makes it clear that the Treasurer, for example, cannot direct the Funds SA board to invest in a certain property or not make a certain investment decision; that they are completely independent of the minister in relation to decisions of that particular nature. The concern I had was whether the passage of this bill might have allowed a new Treasurer's Instruction to be issued which, in some way, overrode the power in an act like that.

There are many other acts where boards are given the absolute right to make certain decisions and ministers cannot interfere or intervene. That was an expression of the parliament—that that was an appropriate position to be adopted. Certainly the concern I had initially was that Treasurer's Instructions have no parliamentary oversight at all, they are just decisions taken by a treasurer of the day based on the advice of Treasury. Frankly, it does not even have to be on the advice of Treasury in the end, it can just be a decision taken by the Treasurer, but most sensible Treasurers, I am sure, would do it on the basis of advice from Treasury.

There is no parliamentary oversight at all. It is not subject to disallowance, such as a regulation. It does not require legislative amendment, so the parliament has no say at all. So, if, for example, the Funds SA act where the parliament says a minister cannot intervene in an investment decision and if this bill was to allow a Treasurer's Instruction in the future to say that ministers could intervene in some way, then I was, obviously, very uncomfortable that we were potentially being asked to support a device to override the clear intentions of parliament in certain circumstances. The advice of government advisers and the discussions I have had with parliamentary counsel is that that is not the case. The wording in the legislative amendment is:

It is only if it is not possible to comply with both the instructions and the authorities act that the instructions give way.

So, the (sort of) initial concern I had would not eventuate; that is, the act would prevail. I want on the public record an assurance from the minister and the government that that is indeed the case, that in the example I have given of Funds SA, and many other examples, the clear intent of the parliament in the legislation would prevail even if a treasurer, at some stage, sought to implement a new Treasurer's Instruction which sought to override a provision of the act. Certainly, having listened to the advice of parliamentary counsel and government advisers, I am of the view that that is indeed the case, but I seek a statement or an assurance from the minister on the public record that that is indeed the government's understanding and advice on the situation.

The other issue I wanted to raise, which I suspect is not covered by this, is an example of a set of circumstances in relation to WorkCover. Perhaps if I outline the background and then I can put the question. Under the Commissioner for Public Sector Employment guidelines the government has to allow the inspection of chief executive officer contracts of departments and agencies. Again, these are different to Treasurer's Instructions but, similarly, they are not guidelines which are disallowable by parliament. They are not legislated for either; they are issued by the Commissioner for Public Sector Employment, and there are provisions under the freedom of information legislation, so it is slightly different here.

On a regular basis my office inspects—one is not allowed to take a copy of them—the contracts of chief executive officers and one can see the remuneration package, the termination provisions and all the other details of the contractual arrangements between the government and the chief executive officer of the agency, and my office, over many years, has done that on a regular basis. The only agency where they, frankly, just thumb their nose at this process has been WorkCover. Under the previous chief executive officer (I think it is Mr Thompson—I forget his name now) I sought to see a copy of his contract and the Commissioner for Public Sector Employment's office advised that WorkCover refused to comply with the Commissioner for Public Sector Employment's guideline and the freedom of information request and would not provide a copy of the WorkCover CEO's contract for my office to inspect.

I was intrigued by this, that here we had a significant agency of government refusing to comply with a Commissioner for Public Sector Employment guideline on freedom of information legislation. I am assuming, as we see in the background to this particular legislation, that WorkCover

must have taken legal advice which said it did not have to comply with Treasurer's Instructions in certain circumstances. I am assuming that they may well have taken advice that they do not have to comply with Commissioner for Public Sector Employment guidelines either.

Having been unsuccessful in seeing the WorkCover CEO's contract, I wrote to the then minister saying that that was unacceptable and asking whether he was prepared to do something about it, to make the contract of the WorkCover CEO available. The then minister, minister Snelling, was not interested in assisting the opposition in relation to that course of action and said that nothing could be done or would be done in relation to those circumstances.

The reason I raise this issue is because I asked the government whether its position or advice is that the WorkCover board is equally in a position to thumb its nose at Commissioner for Public Sector Employment guidelines. That is, the government is seeking to resolve the issue in relation to Treasurer's Instructions in this legislation because the WorkCover board is saying that it does not have to comply in certain circumstances; is it the government's understanding that the WorkCover board also does not have to comply with Commissioner for Public Sector Employment guidelines? Does the government have different advice from the Solicitor-General that indicates otherwise?

The circumstances of this bill are that WorkCover had its legal advice and the government had its legal advice, and they differed. I am asking: does the government have different legal advice in relation to whether or not the WorkCover board, or the Return to Work SA board, has to comply with Commissioner for Public Sector Employment guidelines as well?

The remaining broader issue that I want to raise (and I referred earlier to the Auditor-General raising some concerns in relation to purchases by the Art Gallery board) is: has the Auditor-General raised concerns in relation to the actions or behaviour of other boards which has prompted the government's decision to proceed with this legislation? So, we have had the WorkCover board issue raised and potentially there is the Art Gallery board being covered by this (and I have sought advice on that), but has the Auditor-General or his office raised issues with the Treasurer in relation to the need to clarify issues with legislation such as this?

With those questions being put on the record of the second reading, as I said, is it possible to get those answers back in the minister's reply? I just forewarn the minister that I would like to have an opportunity, having received the government's reply, to at least consider and consult on that reply before we move immediately into the committee stage. If it is possible to get the government's reply before we sit next week that would assist the committee stages to proceed on Tuesday. If it is not possible to get the government's reply until next Tuesday, I will be proposing that we report progress on Tuesday.

If the minister is proceeding to a vote on the second reading today, and she is going to answer at clause 1 whenever we next consider the matter, I think that we should report progress for at least 24 hours to allow me to consult with one or two people. From my viewpoint, I would hope that we would be able to manage the remaining stages of this bill before the end of the next sitting week.

Debate adjourned on motion of Hon. G.A. Kandelaars.

REAL PROPERTY (PRIORITY NOTICES AND OTHER MEASURES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 February 2015.)

The Hon. A.L. McLACHLAN (17:15): I rise to speak to the Real Property (Priority Notices and Other Measures) Amendment Bill. I indicate at the outset that the opposition will support the bill. I also indicate that the Liberal opposition intends to file two amendments to the bill, which I will discuss briefly in turn.

This bill follows on from the introduction of the Electronic Conveyancing National Law (South Australia) Act 2013. Before the new electronic lodgement system can commence in South Australia, amendment to the South Australian Real Property Act 1886 is required. The bill before the chamber

deals with the first stage of the amendments that are required to the Real Property Act. I note that all other states, with the exception of the Australian Capital Territory, have signed up to the new electronic lodgement system, and I note that there is an entirely different system in operation in the Australian Capital Territory.

The first amendment this bill deals with is the introduction of a process of priority notices, which is already in operation in a number of other states. This new regime will provide someone who is going to have an interest in the subject property an opportunity to register it as a priority. A priority notice is a notice that will be lodged against a certificate of title or crown lease to reserve priority for a pending transaction that will affect that land.

It can be lodged by any person who intends to lodge an instrument, such as a transfer, but they will not be mandatory. The priority notices will operate by preventing the registration of any instrument that is not listed in the priority notice. This is designed to try to ensure that, if anyone checks the title to the property and tries to register an interest, they will have to stand in line, so to speak.

The bill lists a number of instruments which can still be registered without a priority notice, which include, for example, caveats, statutory charges and court orders, to name a few. Priority notices will serve to notify parties searching the title that the transaction is pending. They will also increase the likelihood of fraudulent transactions being detected, and improve the accuracy of title searches, as currently no record of a conveyance appears on the certificate of title until the registry staff have updated the register book following settlement.

It is important that we have an orderly process for the purpose of registering lawful interests, and that they have a system that protects against fraudulent people who want to unfairly or illegally deny people their legal entitlement. The new process will be entirely electronic and will be effective for a period of 60 calendar days from the date of lodgement, with the possibility of extension for a further period of 30 days.

On this issue, amendments were moved and passed in the other place to deal with ensuring that the time from when the priority notice is registered to when it expires is automatically extended to facilitate the time between lodgement at the Lands Titles Office until it actually becomes registered on the title. This can sometimes be a number of days, due to weekends and overnight office closures, so the amendment is sensible and the opposition supports this approach.

The Liberal opposition intends to move a further amendment, which will require the Registrar-General to notify the registered proprietor of any notation of a priority notice on the title or lease. As the bill is currently drafted, there is no obligation on the Registrar-General to do so. It is the Liberal Party's view that the registered proprietor should be given the courtesy of notification of activity in relation to their title and an opportunity to respond where appropriate. This was raised during the debate in the House of Assembly, and the Attorney-General considered it was probably reasonable that the Registrar-General do so.

The second major reform that this bill introduces is a strengthening of the verification of identity regime. The new requirements will be consistent with a nationally agreed standard for verification of identity, which will be mandatory for electronically lodged documents when the electronic conveyancing commences. As I understand it, the new regime will follow guidelines, as it is intended that this will serve as an additional fraud prevention measure by ensuring that the people who have the lawful interest are the people actually receiving it. To do this, the new regime requires face-to-face identification with a 100-point check, and there is a certification procedure that goes with this. The opposition supports this approach. However, we intend to file amendments to cater for those people who live in remote areas and who do not have easy access to a local lawyer or conveyancer to provide this face-to-face verification service.

Examples were mentioned by the member for Heysen in the other place of purchasers who live in remote areas such as Roxby Downs and Coober Pedy where it may be impossible for them to have a face-to-face interview with a verifying agent. The member for Heysen also mentioned an example of someone who was in Canada and needed to travel over 2,000 kilometres to have their identity verified. The amendment that the Liberal opposition intends to file seeks to ensure that the

practical implications of the new regime do not become overly burdensome for people who reside in the remote areas of our state or who may be travelling overseas at the time of the purchase.

The amendment will give the power to the Registrar-General to exempt certain persons from the verification requirements if the Registrar-General determines that they cannot reasonably be expected to participate in a face-to-face meeting. It is expected that this will be rare but, nevertheless, we should be ensuring that this legislation achieves its intended purpose of making property transactions easier, rather than more difficult, for all South Australians. I will conclude my remarks on the bill at this stage. I will have more to say at the committee stage in respect of the amendments to the bill that I have outlined.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:21): I move:

That this bill be now read a second time.

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

Leave granted.

The law about seeking a stay on the ground that there has been prejudicial publicity sufficient to threaten a fair trial and the course of jury deliberations is governed by the decision of the High Court in *Dupas v The Queen* (2010) 247 CLR 231. The applicant was charged with a particularly vicious and notorious murder. The circumstances of the murder and the identity of the applicant were the subject of widespread and inflammatory pre-trial publicity. The applicant applied to have the trial permanently stayed as an abuse of process of the court because, he alleged, it would be impossible for him to ever have a fair trial. The High Court held that there should not be a stay. It decided that any unfair consequences of prejudice or prejudgment arising out of extensive adverse pre-trial publicity, was capable of being relieved by the trial judge, in the conduct of the trial, by thorough and appropriate directions to the jury.

But the court went further. It adopted as authoritative this statement of the law from *R v Glennon* (1992) 173 CLR 592 at 605-606:

[A] permanent stay will only be ordered in an extreme case and there must be a fundamental defect 'of such a nature that nothing that a trial judge can do in the conduct of the trial can relieve against its unfair consequences'. And a court of criminal appeal, before it will set aside a conviction on the ground of a miscarriage of justice, requires to be satisfied that there is a serious risk that the pre-trial publicity has deprived the accused of a fair trial. It will determine that question in the light of the evidence as it stands at the time of the trial and in the light of the way in which the trial was conducted, including the steps taken by the trial judge with a view to ensuring a fair trial.

The law on trial by judge alone is set out in s 7 of the *Juries Act 1927*. It was changed substantially by the *Statutes Amendment (Serious and Organised Crime) Act 2012*. That set of amendments dealt with the situation in which a charge of a serious and organised crime offence had been laid and there was a real and substantiated threat of a miscarriage of justice by reason of threats to the jury or other forms of intimidation. In such an event, the DPP was empowered to make an application to the trial judge for trial by judge alone and the trial judge was given an unfettered discretion to make that order if he or she found that the interests of justice required it.

The public's demand to know and the media's determination to sensationalise is ever present. The stay discretion lies in the inherent discretion of a court, as a court, to deal with an abuse of its process. Even if it was wise to examine that area of law, one could not do so without threatening the independence of the jury and making demands of the judicial system that would clearly be unconstitutional.

But the courts can be offered constitutional alternatives to manage a fair trial and counter threats to its process. That is what this proposal is designed to do. Its operation depends, not on an application by the DPP, nor upon the court of its own motion, but on an application for a stay by the defendant. (It may be noted that Queensland has a similar provision but it is activated by application of the DPP). The making of the order for trial by judge alone is entirely discretionary and would only be made if it was in the interests of justice to do so.

The following points should be noted:

- The Bill applies to an application for a stay whether the publicity alleged to be prejudicial occurs pre-trial or at any other stage in the trial, and whether or not it is submitted that the prejudice may occur or has occurred (or both);
- The Bill applies to an application whenever made and, in particular, whether or not a jury has been empanelled;
- The sole criterion for the making of the order is that the court (at the relevant time, be it the trial judge or a judge hearing an application pre-trial) thinks that the order is necessary in order to ensure a fair trial;
- If the accused in question is being jointly tried with another or others, the court retains an absolute discretion whether or not to order joint trial by judge alone for one or more of the co-accused. That decision will be influenced by the extent to which the prejudicial publicity will impact on those co-accused and the discretion of the court, in all the circumstances, to weigh the necessity for joint (or separate) trials in the interests of justice; and
- The Bill expressly preserves the powers of a court in relation to contempt of court as an explicit reminder to those who might be tempted to use this measure as a warrant to prejudice the trial of an accused.

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 *Juries Act 1927*

4—Amendment of section 7—Trial without jury

This clause amends section 7 of the principal Act to allow a court to order trial by judge alone in the circumstances set out in new subsection (3ca) in order to ensure a fair trial.

Debate adjourned on motion of Hon. S.G. Wade.

Resolutions

HUMAN ORGANS TRAFFICKING

The House of Assembly passed the following resolution to which it desires the concurrence of the Legislative Council:

That this house—

1. Appoints a joint committee to inquire into and report on the operation of the Transplantation and Anatomy Act 1983, and whether it should be amended in respect to the trafficking in human organs and any related matters;
2. In the event of a joint committee being appointed the House of Assembly shall be represented by three members of the House of Assembly, of whom two shall form a quorum of House of Assembly members necessary to be present at all sittings of the committee.

At 17:23 the council adjourned until Thursday 18 March 2015 at 14:15.