LEGISLATIVE COUNCIL

Thursday, 7 May 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:15 and read prayers.

Ministerial Statement

COMPULSORY THIRD-PARTY INSURANCE

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) (14:17): I table a ministerial statement in relation to CTP insurance reform made today by the Treasurer, Tom Koutsantonis, in another place.

DEPUTY POLICE COMMISSIONER

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) (14:17): I table a ministerial statement in relation to the appointment of the Deputy Police Commissioner, Linda Williams, by the Hon. Tony Piccolo. I am delighted to see a woman promoted to such a post: congratulations.

ADELAIDE FESTIVAL OF ARTS

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:18): I table a ministerial statement in relation to the 2017-19 Adelaide Festival Director announcement made today by the Minister for Health in another place.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Manufacturing and Innovation (Hon. K.J. Maher)—

Corporation By-law—
City of Adelaide—No. 13—Miscellaneous Variation By-law 2015

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answers to questions be distributed and printed in *Hansard*.

Question Time

MURRAY-DARLING BASIN PLAN

The Hon. J.M.A. LENSINK (14:20): I seek leave to make a brief explanation before directing questions to the Minister for Water and the River Murray about sustainable diversion limits for the Murray-Darling Basin Plan.

Leave granted.

The Hon. J.M.A. LENSINK: A year ago tomorrow I asked the minister about the matter of the 183 gigalitres for environmental flows that South Australia is required to return. At that particular point there were 23 gigalitres still to be obtained. I also asked the minister if he could guarantee whether the remaining gigalitres would not come from South Australia's food producers. My questions for the minister are:

1. Can he provide an update on this situation?

2. I will ask him again: can he guarantee that the remaining gigalitres will not come from South Australia's food producers?

3. What contribution has South Australia, as the largest water-holder, made to the total SDL?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for her most important questions. With the introduction of new sustainable diversion limits—as the honourable member said, of 183.8 gigalitres of water recovery from the South Australian River Murray system—over half of that has already been recovered.

The commonwealth Water Recovery Strategy largely reflects current actions under way by the commonwealth and basin states to recover water or offset water recovery requirements through sustainable diversion limit adjustment projects. The commonwealth strategy has capped water purchases apparently at 1,500 gigalitres, but projects—

The Hon. J.M.A. Lensink interjecting:

The Hon. I.K. HUNTER: It certainly does, the Hon. Ms Lensink. Again, you need to pay a little bit more attention to what is said in this place, because what the commonwealth is doing is walking away from any commitment it might have had previously under another government to actually returning—

The Hon. J.S.L. Dawkins: Here comes the text message!

The Hon. I.K. HUNTER: Yes, it was, actually. It was a text message where I congratulated someone for her appointment. That being said, the Hon. Mr Dawkins, I think it is a fantastic thing when we are appointing women to deputy CE positions, but I will save that question for another day, perhaps.

The commonwealth is walking itself away, not so silently, from its commitments to the Murray-Darling Basin Plan, by putting a cap on buybacks of water licences of 1,500. What that means—it is a little arcane for those who are not steeped in these issues, and I invite the honourable member to pay attention—what it means is this: in terms of bridging the gap, what the commonwealth is doing is saying, 'Instead of buying back water, which is the cheapest and most efficient and most transparent way of returning water to the river, we are going to put a cap on buybacks'—they say—'at 1,500 gigalitres. What that means is that to get to the 2,750 as promised you cannot spend any money to buy back licences to get you up to 2,750 so you will have to pull in engineering solutions to return water to the Murray.'

The little problem with that is that South Australia was guaranteed another 450 gigalitres of water on top of the 2,750 which encompasses engineering solutions. There is only so much real estate on the River Murray where you can put in engineering solutions which will get water back into the system: there are only so many. What this federal government is doing, through a sneaky, outrageous plan of putting caps on buyback of water licences, is trying to get away from the promise to South Australians and South Australian irrigators of putting 3,200 gigalitres into the river. That's what they are doing, and the cheer squad of the Liberal Party in opposition over here is willing them on at every point—at every point.

The Hon. J.M.A. Lensink: No, we're calling you out for being a hypocrite.

The Hon. I.K. HUNTER: Here we go, Mr President.

The PRESIDENT: Order! Let the minister finish his answer.

The Hon. I.K. HUNTER: We see the Liberal Party in Canberra, ably assisted by the Liberal Party in South Australia, trying to put irrigators in South Australia out of business once more by denying them their full entitlement rights of 3,200 gigalitres of water coming down the system. That's what the plan guarantees; that's what we demand the federal government deliver, and all these people want to do is let them walk away from it.

The PRESIDENT: Supplementary, the Hon. Ms Lensink.

MURRAY-DARLING BASIN PLAN

The Hon. J.M.A. LENSINK (14:25): I am not sure that answer bore a lot of resemblance to the question, but is the minister saying that there has been no action on the 23 gigalitres that I asked him about 12 months ago?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): Not at all, as the honourable member probably knows. These sustainable diversion limits will be agreed by the states and the commonwealth in 2015-16, or June 2016, but the problem is, as I try to tell her, that the federal government is trying to undermine that process by capping the amount of water that is put back into the system, by capping the amount of water that they will buy back.

If they bring down, to bridge the gap to 2,750, engineering solutions which are designed to bridge the gap from the 450, then the 450 will not be delivered. The 450 which has been legislated, budgeted for, sitting there in consolidated revenue, waiting to be delivered for engineering projects and on-farm efficiencies, won't be delivered because they are drawing it down to bridge the gap to 2,750. Then they will come to us and say, 'I'm sorry, there's no more that we can do to get you that 450. South Australia won't have the 3,200 gigalitres as promised returned to the river.'

There is one fail-safe in all of this, in that in agreeing SDLs next year every state must agree to the whole package, and if South Australia does not get what was promised in the Murray-Darling Basin agreement, South Australia will not be agreeing to those packages.

APY LANDS, GOVERNANCE

The Hon. S.G. WADE (14:26): I seek leave to make a brief explanation before asking some questions of the Minister for Aboriginal Affairs and Reconciliation—

Members interjecting:

The PRESIDENT: Come on! We are now onto Mr Wade; he has the floor. Allow him to ask his question in silence. The Hon. Mr Wade.

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking some questions of the Minister for Aboriginal Affairs and Reconciliation in relation to the reporting requirements of both APY and the Aboriginal Lands Trust.

Leave granted.

The Hon. S.G. WADE: Yesterday I asked the minister some questions about the accountability of the APY Executive Board. Notwithstanding his statements to the contrary, none of the four specific documents I referred to was or is on the APY website. All four are documents the minister had stipulated APY would be required to place on its website as a condition of the first quarter funding agreement.

The minister's response did, however, reveal that APY is currently in breach of section 13A of the APY Land Rights Act, having failed to prepare and provide him by the end of last year with a copy of its 2013-14 annual report.

Under section 23 of the Aboriginal Lands Trust Act 2013, the Aboriginal Lands Trust is also required to provide the minister with an annual report, which he must then lay before the council within 12 sitting days. Under that statutory time frame, the trust's 2013-14 annual report should have been laid before this council by 19 March 2015. This did not occur. Worse still, this council is still yet to see the trust's 2012-13 annual report, now 14 months overdue. My questions to the minister are:

1. Has the Aboriginal Lands Trust provided the minister with its annual report for 2013 and/or 2013-14 financial years?

2. Why haven't these reports been provided to the council within the statutory time frame and when does he expect to provide them?

3. Has he delayed the release of funding to the Aboriginal Lands Trust for this breach of the Aboriginal Lands Trust Act in a way comparable to the way he has treated APY?

4. Considering the minister decided to release the second quarter funding to APY even though APY had failed to meet the conditions attached to the first quarter funding, why should this council have any confidence that he has the commitment or firmness required to deliver sustainable and significant improvements in the operation and transparency of the APY Executive Board?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:29): I thank the honourable member for his question and his interest in these matters. I am not sure that what he says is actually the case in terms of some of the things that were required being on the website. I am happy—

The Hon. S.G. Wade: I will go through with you piece by piece.

The PRESIDENT: The Hon. Mr Wade, allow Mr—

The Hon. S.G. Wade interjecting:

The PRESIDENT: Allow Mr Maher to finish his answer.

The Hon. K.J. MAHER: I am very happy to sit down with the Hon. Stephen Wade, as I do with other members, and maybe go through just to see if there is any misunderstanding. I am very keen to continue the bipartisanship on the matters of APY and Aboriginal affairs in general that's been shown. I accept that the Hon. Stephen Wade is, without doubt, well-intentioned but may just be misinformed on some of these matters, and I am very happy—

The Hon. S.G. Wade: Excuse me, you went off half-cocked and you were wrong.

The PRESIDENT: Order!

The Hon. K.J. MAHER: I am very happy, in the coming weeks—

Members interjecting:

The PRESIDENT: Allow him to finish his answer.

The Hon. K.J. MAHER: —over the next couple of weeks, to sit down with the Hon. Stephen Wade, as I do with others, just to go through these matters and have a good discussion about how some of these things work and what is done. I am pleased with much of the progress that's already been made and the progress that is being made by the APY Executive Board and the management. It would probably be worth outlining some of the improvements that Mr King, as the new interim general manager, has made in the short time he has been general manager.

I have been informed he has enforced a stringent delegation schedule where all purchases must be approved by him as general manager. He has requested that all purchase order books be properly reconciled and coded immediately. He has collated all service agreements to get an accurate picture of the entire APY budget. He has started work to update APY policies and procedures, and he is developing relations and capacity within staff.

Mr King has informed me that, over the coming weeks, amongst other things, he intends to engage the NT Chamber of Commerce for industrial relations advice, make sure all HR policies and procedures are up to date, review current timesheet pro forma and commence a process of improvement there, continue work on a current and accurate assets register, and review insurance policies.

I am pleased with the progress that has been made and progress that is being made in relation to accountability and transparency. Things have improved, and I have confidence that things will continue to improve. As I have said, I am happy to sit down with the honourable member or any other honourable members to go through some of these and other matters that are occurring.

The other point is that I am exceptionally pleased with the bipartisan nature in which I have been able to work with my federal colleagues, particularly Senator Nigel Scullion, the federal Minister for Indigenous Affairs, with whom I have had numerous conversations about APY and about improvements in APY generally but particularly in accountability and transparency. I am pleased that the federal government has joined with us in some of what we are trying to achieve and how we provide funding.

The PRESIDENT: The Hon. Mr Wade has a supplementary.

APY LANDS, GOVERNANCE

The Hon. S.G. WADE (14:32): Does the minister have any intention of answering any of the questions in relation to the Aboriginal Lands Trust?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:32): I apologise to the honourable member. In relation to some of the other questions he has asked, I have been informed that the most recent Aboriginal Lands Trust report has, in recent days, been received in my office. I haven't seen it yet, but I will commit to the honourable member in the chamber to make sure that it's tabled within the required time for me to table it, once being received.

HOMELESS WOMEN

The Hon. J.S. LEE (14:33): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about women affected by homelessness.

Leave granted.

The Hon. J.S. LEE: Statistics suggest that as much as 42 per cent of the homeless population in Australia are female. They also show that homeless women are often less visible than men and that the extent to which homelessness affects women is often underestimated. Some women do not identify themselves as homeless but rather as targets of abuse unable to return to their homes. Therefore, homeless women, along with their children, tend to remain out of sight, away from areas where homeless people congregate, for fear of violence, rape or other abuse.

Shelter SA recently published the Social Impact Bonds Consultation Report. It pointed out that homelessness has been identified by the state government as one of the four focus areas for the state. However, the review findings confirmed that there is a lack of objective, high-quality evidence to support the development of the social benefits service funding concept announced by the state government. My questions to the minister are:

1. As women experiencing homelessness require specialised support services, can the minister provide assurance to women and service providers that programs addressing their particular needs will be a priority for the state government?

2. Under the social impact bonds model, there is the requirement to demonstrate cash savings to government. Does the minister know what negative impact this will have on homeless women accessing services?

3. What strategies has the minister put in place to advocate for homeless women in their most vulnerable situation?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:35): I thank the honourable member for her most important question. Indeed, the issue of housing for vulnerable women in particular is of great concern to this government. Most of the questions that the honourable member has asked reside with the Minister for Social Housing in another place, and I will be more than happy to refer those questions to her.

In relation to aspects that directly relate to my portfolio responsibilities, obviously one of the aspects that can make women particularly vulnerable to homelessness is of course domestic violence. This can see women having to take their children and remove themselves from their family home to escape from the perpetrator. They can resort to emergency housing and other safe housing, which of course is suitable for short-term emergency needs, but certainly, in the long-term, there need to be more enduring housing solutions put in place, and they are always a challenge.

I have been pleased to see the report back from the industry that the instigation of intervention orders has had a positive impact on this particularly vulnerable group. So, rather than women who are victims having to leave the family home, intervention orders can mean that women

are able to be secured in the family home and the perpetrator is removed. So, that has reduced that risk somewhat—not altogether, obviously—and has had a positive impact on women's lives.

Money has been made available to help secure women in the family home, such as changing locks and putting in security doors and other things to make sure that the victim is in fact safe in the family home. It has not eliminated the requirement for emergency housing and safe housing altogether, but it has certainly reduced the demand on that to some degree.

The other area that has particularly been brought to my attention is leasing, where women are responsible for the lease of housing in either the private market or public housing, or when there is a joint arrangement. Of course, if she becomes a victim to domestic violence, it can very much limit alternative accommodation arrangements if she is bound by this contract and there are also bond obligations and other financial obligations around that. Members would be aware that I am pursuing the drafting of legislation that gives the Residential Tenancies Tribunal the powers to consider those cases and to remove women from that lease contract and make other provisions.

It will also ensure that those victims of domestic violence are not held financially responsible, through bond or other obligations, for damage incurred on a property by the perpetrator. We know that these perpetrators can be extremely manipulative and understand the power of these financial obligations over their victims. So, that is another area that I am working very hard on to again address this issue of homelessness for women who are victims of domestic violence.

BODY IMAGE CAMPAIGN

The Hon. J.M. GAZZOLA (14:39): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about how the South Australian government is helping to improve the body image of girls in South Australia.

Leave granted.

The Hon. J.M. GAZZOLA: Mission Australia's annual national survey of young Australians has consistently found that body image is one of the top three concerns for young Australians. The survey reported that 45.4 per cent of young South Australian women, compared to 42.1 per cent nationally, identified body image as being a major concern, compared to 13.3 per cent of young South Australian men, compared to 14.4 per cent nationally. Minister, will you update the chamber about the launch of the South Australian government's Body Image Campaign?

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) (14:40): I thank the honourable member for his most important question. I know that he has a young—

The Hon. J.M. Gazzola: Sixteen year old.

The Hon. G.E. GAGO: —sixteen year old, and so I know he has a deep policy interest in these particular areas, but also I know that he would have faced these sorts of issues personally as well.

The Hon. J.M.A. Lensink interjecting:

The Hon. G.E. GAGO: No; I just appreciate that he would know firsthand the anguish that often young girls and young women can go through in relation to their body image, through his daughter, Ruby, if I recall. Yesterday was International No Diet Day, and on this day I officially launched the 'Building Self-Esteem in Young Women' Body Image Campaign, which was an election commitment of this government. I was very pleased to see the Hon. Kelly Vincent attend and participate in a panel discussion and share her own personal insights and experience, which were incredibly fascinating and quite inspiring, really. I also understand that the Hon. Michelle Lensink was able to drop in early in the piece, lending her support as well to this important project. I thank both of them for that.

The Body Image Campaign is a digital media campaign targeted to young girls aged between seven and 12, tasked with building self-esteem and positive feelings for their own bodies. It also aims to educate girls that their value comes from within—their character, their skills and other achievements, abilities, etc.—rather than their external weight, body shape and size, and having self-

esteem means that young girls have the greatest chance of being able to be the very best that they can be, the very most that they can be—and, in short, have a positive, healthy, happy life.

As the majority of social media sites do not allow children under 13 to join, the campaign has created content that parents can access using social media platforms that are suitable and can be viewed with girls aged seven to 12 which will facilitate and encourage discussion. The Office for Women, through the Women's Information Service, has partnered with the YWCA in the development and delivery of a digital media campaign. The campaign will be delivered through the Women's Information Service digital media presence on social media sites.

Content for the campaign has been developed during workshops attended by young women aged 13 to 18, and these one-day workshops provided those young women and their mentors with information about body image and the factors that contribute to body esteem in order to provide a context for the creation of messages and content for the digital media publication. From today, the new campaign content created through these workshops will be regularly released through the Women's Information Service social media presence, and I understand that we aim to publish one new piece a day over the next six weeks. That is how much content was created by these women through these workshops.

Links to information sources for parents about body image, such as guides produced by the Butterfly Foundation and SA Health, will be posted during the campaign to encourage families to discuss body image and related health matters.

The campaign is aimed at young girls in order to help them overcome the societal and peer pressures that may lead to things such as eating disorders and other self-harm behaviours, particularly in their teen years; obviously, though, the eating disorders were not a direct target of the campaign. Young girls and young women are inundated right throughout their life with these unrealistic, unattainable images that circulate throughout mass media, and I see this campaign as reclaiming some of the digital space to circulate and publish positive images of young women and girls.

This campaign takes as its basis the well-established peer education approach and moves it into a digital context. Peer education is regularly used in a variety of contexts and can have a direct effect on the social environment, provide positive role models and help change social norms. Studies have shown that peer initiatives can improve knowledge and change attitudes, self-efficacy and behaviours. I am advised that a peer education approach, together with social media strategies, would have a greater reach than the traditional group program methods, in which attitudes about bodies and body image are developed.

To encourage wider involvement and engagement in the campaign and to spread the key message that character, skills and attributes matter more than size, weight or shape, women and girls from around the state are being encouraged to produce 'inner selfies' and to represent their inner selves. Some of the works were just terrific, to see what has been developed. These 'inner selfies' are already being shared on the Women's Information Service Facebook page.

The Office for Women will undertake an internal evaluation at various phases of the campaign. We know that an undeveloped or damaged self-esteem can rob individuals of confidence and can lead them to be afraid to take on challenges and to take risks throughout their life. That is why this campaign is so important for our young girls if they are ever to reach their full potential and fulfil their aspirations and dreams.

The Hon. A.L. McLACHLAN: Supplementary, Mr President.

The PRESIDENT: Supplementary.

BODY IMAGE CAMPAIGN

The Hon. A.L. McLACHLAN (14:47): I congratulate the minister on the initiative. What will be the approach of the campaign in relation to the use of young women in advertising, particularly for motor events, such as Clipsal? I am thinking here of the grid girls.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for

Business Services and Consumers) (14:47): I have outlined the scope of this particular campaign. It is aimed at the digital space of a particular young age group. We know that by reaching young girls early in their development there is a greater likelihood that it will have a greater impact on their attitudes. We are hoping that, as those attitudes aged, that would help grow social change around attitudes to using women in advertising and other mass media.

BODY IMAGE CAMPAIGN

The Hon. A.L. McLACHLAN (14:48): I have a further supplementary. Will the minister concede that it would be an act of great leadership by the Premier to require the Clipsal organisers not to have grid girls at the Clipsal?

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) (14:48): I have already addressed that issue in this chamber before. I am on the record, so honourable members can simply look at *Hansard*. I have well established my view on this. I find those sorts of images quite appalling. It is not just in Clipsal. There are what I think are unsuitable images of women right throughout our media, right through to just about every publication you ever open. What is the honourable suggesting—that we ban the use of those images in all of our media, in all publications?

Members interjecting:

The Hon. G.E. GAGO: Why just grid girls? The issue—

The Hon. J.S.L. Dawkins: You're answering a direct question.

The Hon. G.E. GAGO: And I am answering the question directly. The issue of inappropriate use of images of women is right throughout our society. It is not just Clipsal; they are right throughout society. This government seeks to change social and public attitudes so that those images would simply become unacceptable and phase out of our society, hopefully once and for all.

BODY IMAGE CAMPAIGN

The Hon. T.A. FRANKS (14:49): Supplementary: have sex-positive feminist theories been applied to this body image 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) (14:50): I'm not too sure. I'd have to look that up. I'm happy to take that on board and bring back a response, if it's appropriate.

WATER AND SEWERAGE INFRASTRUCTURE

The Hon. R.L. BROKENSHIRE (14:50): I seek leave to make a very brief explanation before asking the illustrious Minister for Climate Change and the environment some questions regarding water wastage.

Leave granted.

The Hon. R.L. BROKENSHIRE: On Monday I turned on the radio to hear the Minister for Climate Change attacking, once again, our Prime Minister, the Hon. Mr Tony Abbott, about the fact that he was dragging the chain on climate change. By coincidence, at the same time I was working on some documentation that I had received regarding South Australia dragging the chain on conserving water. I am advised, from documentation, that the minister received a briefing note in 2013 advising that SA Water was changing its policy to a left-running policy. By left-running policy, that meant that certain leaks that were not causing damage (the repairs scheduled were not high priority) would just be left running. We have the highest water costs in Australia and yet I am also advised that—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Brokenshire has the floor.

The Hon. R.L. BROKENSHIRE: Thank you for your protection, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: I am also advised that South Australia, in the year 2013-14, had losses of water through leaking pipes and burst mains of 12.8 gigalitres. That is more than the desalination plant can produce in a year. My questions to the minister are:

1. Why is the government allowing as much water, if not more water, to be leaked through burst and leaky pipes than the desalination plant has the capacity for?

2. Are these leaks adding to the enormous increases over the last few years in water prices to battling South Australians desperately trying to pay for enough water to flush the loo?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:52): Mr President, what a load of bunkum. I've got to say it.

The Hon. R.L. Brokenshire: It's all true.

The Hon. I.K. HUNTER: He stands up here, or sits down here now and says, 'It's all true. It's all true.'

The Hon. R.L. Brokenshire: I've got the documentation.

The Hon. I.K. HUNTER: 'I've got the documentation.' Like Chamberlain at the beginning of World War II, he says, 'I've got the document that proves Hitler will always be our friend.' Well, I have to say, here he is handing a document saying, 'We've got the most expensive water in the country.' They were both wrong, Mr President, both wrong, and I will take him to that issue. If I can keep speaking on my feet for six minutes I can talk to him about a document which will beat the embargo of 3 o'clock and give him the information he needs to understand that in fact he is completely wrong—completely wrong. Over the past three years, South Australia—

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: Well, if we make a decision about that it might help me at some stage. Over the past three years, 2011-12 to 2013-14, SA Water has spent, on average, $46.4 million per annum on direct routine maintenance and repairs, including breakdowns, to its infrastructure across the state. Can someone let me know when it's 3 o'clock? The cost is directly attributed to maintenance activities undertaken on individual assets and does not include the cost of operating, monitoring and managing those assets on a day-to-day basis.

In addition to the asset maintenance costs, SA Water also invests significant capital in the ongoing renewal of its infrastructure. Over the past four years, SA Water has invested $92 million, on average, in the renewal of its pipe networks, treatment plants, water storages and other related infrastructure, with last year's spend reaching approximately $120 million (in 2013-14), I am advised.

The recent SA Water engagement program has shown that customers were satisfied with the level of service and reliability provided by SA Water. In any business that you care to contemplate, you make determinations about expenditure on your maintenance program—

Members interjecting:

The PRESIDENT: I must say that it staggers me that people on the same side as the minister are interjecting and making it difficult for him to give his answer. I think it is a matter of respect. I might expect it from the opposition, but I certainly do not expect it from our side. The honourable minister, please finish your answer in silence.

The Hon. I.K. HUNTER: Thank you, Mr President. I assume the—

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. I.K. HUNTER: Thank you, Mr President. As I was saying, businesses make decisions about their inputs and costs which are rational for their business. SA Water's pipe network

is in good condition. The average age of water mains is 50 years, I am advised, and regional water mains on average are slightly older than metropolitan Adelaide water mains—

The Hon. J.S.L. Dawkins: Every morning you hear about a burst main.

The Hon. I.K. HUNTER: Well, of course there are, Hon. Mr Dawkins. We've got 26,000 kilometres of pipes, Mr Dawkins. You think you can have 26,000 kilometres of pipes—

Members interjecting:

The PRESIDENT: Don't buy into it.

The Hon. I.K. HUNTER: —and not get a burst? Clearly, Mr President, again the Liberal Party, in conjunction with the Hon. Mr Brokenshire, is going to be embarking on driving up water costs to SA consumers. That is what they are doing; that is what the Hon. Mr Brokenshire is alluding to. They want to gold-plate the network, Mr President. The Australian water industry anticipates that water pipes will have useful lives between an average of—

Members interjecting:

The PRESIDENT: Minister, can you please sit down. I do not think it is appropriate; yesterday we only managed probably four or five questions less than we normally do. It is not appropriate. The minister should be able to answer his question. And minister Maher, I think it is totally outrageous that I cannot see you through the minister but I can hear you. I think it is outrageous that you do that while he is on his feet. The honourable minister, please get up and finish your answer, and members will allow him to do it in silence.

The Hon. I.K. HUNTER: Thank you, Mr President, for that backhanded compliment about my spreading waistline. The Australian water industry anticipates that water pipes will have useful lives between an average of 80 and 150 years, depending on soil conditions, pipe material and construction standards. SA Water's pipe network is therefore relatively young by urban water industry standards. Supplying water to 1,605,000 people across the state, SA Water owns 26.984 kilometres of water mains—I am sorry, Mr President, I misled the house; I said we had 26,000 kilometres where in fact it is 26,984 kilometres of water mains—with a gross replacement value, I am told, just for the pipes, of $7.3 billion as of June last year.

The statewide water main failure rate has been quite stable for the last 10 years, I am advised. This is as a result of SA Water's comprehensive and sustainable asset management strategy for water mains. Adelaide's network failure rates compare favourably with those of other Australian major water utilities with water networks containing more than 100,000 connected customers. Monitoring of the 2013-14 figures has shown a reduction in the metropolitan failure rate, to 15.7 failures per 100 kilometres a year.

As of 13 April 2015, SA Water has had 1,150 failures within the metropolitan network and, based on historical trends, it is projected to equate to a failure rate of 17.7 failures per 100 kilometres a year for the 2014-15 period. This projection is well below the failure rate KPI of 21 failures per 100 kilometres per year set under the Water Industry Guideline No. 2 (December 2012) by the Essential Services Commission of South Australia.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: Of course, when the Hon. Mr Brokenshire goes on the wireless and grandstands about these figures, he does not talk about failure rates in other jurisdictions. He does not talk about failure rates and pipes around the world in water networks. No, he pretends that no-one else has a failure rate at all. Pipes don't burst in Victoria according to the Hon. Mr Brokenshire. Pipes don't burst in Sydney or Brisbane according to the Hon. Mr Brokenshire, only in South Australia. Well, here are the figures that belie what he says on the wireless. Here are the figures that say—

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: The Hon. Mr Brokenshire goes out there and does not tell the complete truth, Mr President, only that little bit that he thinks will get him a little spot on one of the radio shows on the wireless. SA Water's regional water networks perform better than the metropolitan

network, due in large part to the relatively high incidence of the Hon. Mr Ridgway's imaginary expansive and reactive clay soils of the Adelaide metropolitan area, the reactive and clay soils that the Hon. Mr Ridgway does not believe exist. Monitoring of the regional 2013-14 failure rate has also shown a reduction in the regional failure rate of 9.4 failures per 100 kilometres per year.

As of 13 April 2015, SA Water has had 1,335 failures within the regional network, and based on historical trends it is projected to equate to a failure rate of 10.5 failures per 100 kilometres per year for the 2014-15 period. This projection is slightly above the failure rate KPI of eight failures per 100 kilometres per year as set under the water industry guidelines No. 2 by ESCOSA. However, when compared with other water utilities through the national performance report, it is performing very well—the national performing report the Hon. Mr Brokenshire has probably never looked at.

In terms of leakage costs, I am advised that the estimated water loss through SA Water's metropolitan pipe network was estimated to be 12,868 megalitres (this is very precise), and it was about 0.6 per cent less than the year before, 2013. Water loss that is considered unavoidable is estimated to take up 99 per cent of that amount. Unavoidable water lost as a result of leaks—

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Order! Minister, you asked us to remind you at 3 o'clock.

The Hon. I.K. HUNTER: I will turn to another briefing in a moment. Water loss is considered unavoidable if water is lost as a result of leaks or bursts that occur in pipes that are within the standard parameters for average pressure, length and number of connection points.

I have an awful lot more to give the Hon. Mr Brokenshire, the things that he does not mention on the wireless, of course, the pretence that he has that pipes do not break anywhere else in the world, but to that other incredible claim, the incredible claim—

The Hon. S.G. Wade: When did he say that?

The Hon. I.K. HUNTER: Well, of course, the Hon. Mr Wade, he never says it. He never talks about comparable rates interstate, never ever says that South Australia has an excellent record in comparison to rates interstate. He never says that, because he is not interested in the truth; he is only interested in the partial truth. The other incredible claim he made (and others in this place sometimes make) is that we have the highest water prices in the country. Let me just brief the Hon. Mr Brokenshire. Here he is, still standing to this position.

The Hon. R.L. Brokenshire: We do.

The Hon. I.K. HUNTER: 'We do', he says. He is completely wrong. The latest national performance report was released on 7 May 2015 at 3 p.m. Based on estimated water consumption of 200 kilolitres per customer per annum a comparison of interstate water and sewerage bills reveals that in 2013-14 SA Water had the ninth lowest estimated water and sewerage bills out of 13 utilities. Logan, Gold Coast Water, Unity Water in Queensland and Yarra Valley Water in Victoria were more expensive than SA Water.

Members interjecting:

The Hon. I.K. HUNTER: No, it absolutely is not. It is actually a direct comparison done at a national level on utilities with at least 100,000 connected properties. Based on typical residential water consumption—the actual average annual volume of residential water consumed for each utility—a comparison of interstate water and sewerage bills reveals that in 2013-14 SA Water had the tenth lowest typical water and sewerage bill out of 13 utilities.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: Oh, well, the honourable member does not like figures when it does not suit his story. This is the national performance report. Based on the 2014-15 prices and water consumptions of 200 kilolitres per customer per annum, SA Water has undertaken a similar comparison of water and sewerage bills, and this comparison is not restricted to only utilities with at least 100,00 connected properties. This comparison shows that SA Water has the ninth lowest estimated total water and sewerage bills out of 20 utilities. All Queensland utilities rank higher than SA Water, along with the Northern Territory—

The Hon. J.S.L. DAWKINS: On a point of order: in light of your concern, Mr President, about lack of questions, the minister has been on his feet for 11 minutes on this question.

Members interjecting:

The PRESIDENT: Half the time he is responding to other people's interjections—which he should not do. Secondly, the Hon. Mr Brokenshire has made a number of statements, and however the minister answers the question is up to him, but he is now informing him that apparently he is not right. I think he has the right to finish.

The Hon. I.K. HUNTER: I am almost done. The Hon. Mr Brokenshire does not like the truth when it does not suit his world view, or the story he likes to go out—

The Hon. T.J. Stephens: You wouldn't know the truth—

The Hon. I.K. HUNTER: The Hon. Terry Stephens says he can't handle the truth and that is true. He cannot handle the truth, because it does not back up his assertions. I will repeat: all of the Queensland utilities rank higher than SA Water, along with the Northern Territory's Power and Water and Victoria's Yarra Valley Water. When comparing single service only using the 200 kilolitre methodology, SA Water has the 12th lowest water only bill and the fourth lowest sewerage only bill.

No longer should the Hon. Mr Brokenshire go around talking on wireless programs and claiming that we have the highest water prices in the country. He is absolutely wrong, and I hope he comes in here and corrects the record and apologises to South Australia for continually running down our state. When he goes on the radio, or the wireless, to talk about these issues, let's do a comparison. Let's do a comparison with other utilities around the country and he will then be the first to say, 'South Australia is leading again with cheaper water prices than other jurisdictions.'

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:06): I seek to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about continuing governance issues on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: It was pleasing to hear of the progress being made on these issues from the minister in his statement to the chamber on Tuesday, and I commend him on his commitment to working through these issues. It seems that many chief executives in the past have been removed under mechanisms in their contracts which allow the APY Executive to review their appointment after a period of probation.

The minister has placed a number of minimum standards on the APY Executive which are to be achieved over an extended period of time with strong guidance, support and assistance to the new CE Mr Richard King. My questions to the minister are:

1. Does Mr King have a period of his probation attached to his contract?

2. What are the specifics of his contract in terms of permanency?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his question. He is quite right; there have been problems with the tenure of general managers, and that has made it more difficult. It is important in all sorts of areas but in this area in particular for general managers to be able to rigorously and without fear apply policies in the knowledge that they can do so without retribution of any form.

My understanding is that Mr King has been appointed an interim general manager for a fixed term of three months. This is my understanding, but I will check that and bring back a reply if that is not correct. During that time the APY will be conducting a thorough search for an ongoing and permanent general manager. I have certainly had discussions with the APY previously about what a mechanism might, for instance, include. Under the legislation the APY Executive appoints the general manager but the Minister for Aboriginal Affairs must approve the terms and conditions.

I have had discussions with the APY about when the new ongoing general manager is appointed perhaps looking at a mechanism that also requires the minister to end a contract in the same way as the minister is required to approve the terms and conditions. I have spoken to the APY about some sort of mechanism to prevent a general manager from acting with fear and favour and, as they go through the process of now looking for the ongoing permanent, I will continue to discuss with the APY mechanisms to make sure that happens in a better way.

APY LANDS, GOVERNANCE

The Hon. T.J. STEPHENS (15:08): I have a supplementary question. Can the minister assure us that he will not allow the APY Executive to constantly add to the period of probation of a new CEO; there will be a fixed period of probation and that will be it?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:09): Yes, that would be my intention—to make sure that things are spelt out very clearly so that a general manager can act in the way a general manager needs to act without fear of being dismissed for whatever it is that general managers get dismissed for, and I will continue to work closely with the APY.

If any members have any suggestions about ways to improve it I am more than happy to talk with them about that. It is a very good point that has been brought up, and I am concerned about the number of general managers there have been over a short period of time in the APY lands.

LOW EMISSION VEHICLE STRATEGY

The Hon. M.C. PARNELL (15:09): I seek leave to make a brief explanation before asking a question of the Minister for Automotive Transformation on the subject of South Australia's low emission vehicle strategy.

Leave granted.

The Hon. M.C. PARNELL: On 28 October last year, I asked a question of the Minister for Sustainability, Environment and Conservation about the government's intentions for the uptake of hybrid and electric vehicles among the overall state fleet. I indicated at that time that an interim report on the low emission vehicle strategy was due last year in June, and I am still awaiting a considered reply.

However, since I asked my question last October, a number of things have occurred. First, the government used the Governor's opening of parliament speech to talk about the future of electric cars in Adelaide and, secondly, the government underwent a cabinet reshuffle, which has seen the very welcome inclusion of automotive transformation and manufacturing issues represented in this chamber. What we have not seen, however, is any evidence that the government is actually matching its rhetoric with action.

Since 2010, hybrid and electric vehicles within Fleet SA have actually decreased in South Australia, both in absolute and in percentage terms. So who is responsible? The government has a low emission vehicle strategy, which is administered ostensibly by the Department of Transport, yet which was announced by the minister for the environment (who was then Paul Caica), and yet half the responsibility lies with Fleet SA, which now falls under the department of the Attorney-General. In addition, we now have an entire ministry dedicated to the transformation of the automotive sector both in the manufacturing and unemployment sense. My questions are:

1. Who, if anyone, is taking responsibility for the low emission vehicle strategy?

2. In the absence of any reporting, can the minister advise whether the government is tracking positively against its targets as set out in the low emission vehicle strategy and as prioritised in the Governor's speech?

3. Has the government abandoned or reduced the purchase of hybrid vehicles for the state fleet and, if so, why?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:11): I thank

the honourable member for his question and his ongoing interest in low emissions, as evidenced by his no-emissions form of transport that he usually takes to work, his bicycle. I am informed that the particular strategy rests with the Minister for Transport for the low emission vehicle strategy. Very specific questions I certainly will refer and bring back answers.

The Hon. I.K. Hunter: I think he does breathe out carbon dioxide.

The Hon. K.J. MAHER: True, he does breathe out. His heavy breathing, I am informed, does create emissions on his way into work. I can provide a little bit of information, but will obviously take it away and provide supplementary information. The government has committed to a carbon neutral Adelaide green zone, which will establish the CBD as the world's first carbon neutral city. There is a growing opportunity for hybrid and electric vehicles to contribute to this aim. It is anticipated that within a decade these vehicles may become the preferred form of transport within Adelaide's CBD.

The South Australian government has already released, as the honourable member pointed out, the low emission vehicle strategy, and I will refer that, as I understand it, to the Minister for Transport to bring back further information. The state government will consider a range of policy initiatives to increase awareness of, communicate the benefits of, and provide incentives for, the ownership and use of hybrid and electric vehicles, particularly within the CBD.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:13): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the subject of ministerial staff.

Leave granted.

The Hon. R.I. LUCAS: For a period of two years, the opposition has been seeking to get a copy of the very confidential ministers' directory, listing all of the staff in ministers' offices. A copy of that document was finally released for the month of March 2015. Minister Hunter's office is listed as having the following staff members: one chief of staff; four ministerial advisers; a media adviser; an office manager; four ministerial liaison officers; a communications officer; a cabinet liaison officer; a parliamentary officer; a personal assistant to the minister; a personal assistant to the chief of staff and to the advisers; three correspondence officers; and two part-time receptionists; together with the ministerial chauffeur, who is obviously not directly a ministerial office staffer. This is a total of 21 persons—and also the ministerial chauffer in addition to that—or approximately 20 full-time equivalents.

I refer members and the minister to the budget papers: Agency Statements, Volume 2, Budget Paper 4, on page 151 where the minister and the government claim under the heading 'Ministerial office resources' that the Hon. I.K. Hunter has 10 full-time equivalent staff in his ministerial office. I ask the minister if he can indicate why the budget papers indicate or claim that he has 10 full-time equivalent staff, when the now released confidential copy of the ministerial directory lists 21 persons, or the equivalent of 20 full-time equivalent staff.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:15): I thank the honourable member for his most important question, but where does one start with the Hon. Mr Robert Lucas, who was such a mighty player in the Liberal Party for so long, and is reduced to asking questions about ministerial office staff? Having been a minister himself, knowing full well how ministerial offices are fitted out in terms of staff being personal political staff versus departmental staff, he knows the answers. He knows these answers but, of course, he comes in here because he has nothing else to do with his time. It is very, very sad.

Let me make it very plain to everybody: ministers' offices are staffed by a mixture of personal political staff and departmental staff. As such, some of the ones that he read out, being ministerial liaison officers, are provided by the department agencies, as are the correspondence officers. These are things he knows. Why does he come in here with these ridiculous questions? I have got to say to the Hon. Mr Lucas that his sins are not accidental: they are a trade. For Mr Lucas, they are an

occupation of dissembling in this place, trying to come up with ludicrous questions which, quite frankly, demean him and the rest of us.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:17): A supplementary question arising out of the minister's non-answer: is the minister claiming in his response that the 10 full-time equivalent staff are all ministerial contract staff and are not public servants?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): I didn't claim any such thing.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (15:17): A further supplementary question arising out of the answer: will the minister then clarify what the 10 equivalent staff listed in the budget papers do refer to?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): No, I have answered the question.

The PRESIDENT: The Hon. Mr Darley.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Darley has the floor.

Members interjecting:

The PRESIDENT: Mr Darley, sit down for a minute.

Members interjecting:

The PRESIDENT: Have you finished playing your games?

Members interjecting:

The PRESIDENT: Order! Now, listen: order! The Hon. Mr Darley has a question to ask. The way things are going in question time, we are not answering or asking anywhere near the number of questions—

The Hon. R.I. Lucas: Exactly; not answering questions. That's certainly the case.

The PRESIDENT: —and the Hon. Mr Lucas is contributing to that. People will—

Members interjecting:

The PRESIDENT: I am standing up, if you don't mind, and it means that you don't talk. Now, the Hon. Mr Darley, take the floor and, hopefully, they will have respect enough to allow you to ask your question in silence.

WATER AND SEWERAGE CHARGES

The Hon. J.A. DARLEY (15:18): Thank you, Mr President. My question is to the Minister for Water and the River Murray. Will the minister give an assurance that the three month old problem of the 660 per cent increase in water and sewerage rates for the residents of the Lutheran Homes retirement village at Montague Road, Para Vista will be fixed well before 30 June 2015?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): As I have said in this place previously, we are working on this problem. It is a policy issue that crosses several agencies, and it's one that we are trying to resolve with some haste.

ARKAROOLA PROTECTION AREA

The Hon. G.A. KANDELAARS (15:19): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about his recent visit to the Arkaroola Protection Area and Vulkathunha-Gammon Ranges National Park?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I thank the honourable member for his most important question. Yes, I did in fact spend some time recently in the beautiful Arkaroola Protection Area and Vulkathunha-Gammon Ranges National Park last month, from 30 April.

The Arkaroola Protection Area was created by virtue of the Arkaroola Protection Act 2012. While it is not a national park or under government control, it is a unique protected area in private hands as a pastoral lease, I think, from memory. However, the area is provided with a high level of protection consistent with that of a national park to ensure that its special geological, landscape and biological values are protected for posterity.

Immediately adjoining Arkaroola is the Vulkathunha-Gammon Ranges National Park, which in 2005 was one of the first parks to be co-managed through the establishment of a co-management board. The board has assumed the director of national parks and wildlife's role as the management authority for the park. The board comprises ministerial and Adnyamathanha representatives, and is chaired by Adnyamathanha woman Pauline McKenzie.

When we met, we discussed the board's achievements over the past 10 years and its hopes and aspirations for future directions in terms of self management and handback to the traditional owners. I also had the opportunity to meet with the leaseholders of Arkaroola. I was given a valuable overview of the geological significance of the region and its potential for world heritage listing.

I met with Dr Worboys, an internationally renowned protected area specialist who is regularly engaged to provide independent reports on world heritage geological nominations, including most recently in China and Italy, I understand. He accompanied us on the ridgetop tour, and provided a comparative overview of the world heritage potential for the site. He has convinced me of the overwhelming requirement for government to list this site.

South Australia has a number of unique fossil values that have long been the subject of research, with the Precambrian Ediacaran fauna being of particular renown. I know the Leader of the Government in this place has particular interest in Ediacaran fossils. These fossils are the oldest known examples of complex, multicellular life on Earth, and they have a special significance for the area, because while they are found throughout the world, they are named after the Ediacaran Hills, where they were first recognised and described by Dr Reg Sprigg, the founder of the Arkaroola Wilderness Sanctuary.

South Australia also has other locations of significant fossil records, including relatively recent megafaunal fossils. In 2012 the South Australian government nominated Arkaroola for entry on the National Heritage List. However, unfortunately the federal government did not progress the nomination, and in November 2013 I wrote to the federal environment minister (Hon. Greg Hunt) requesting that the nomination for Arkaroola to be national heritage listed be reactivated.

The federal environment minister wrote to me in January 2014, refusing to reactivate the nomination. On 23 January, I again wrote to the federal environment minister, highlighting that the federal government's refusal of my request stands in the way of another vital component to the protection of Arkaroola: the nomination of the area for inclusion on Australia's Tentative List for World Heritage.

Arkaroola is a globally important region of concentrated and diverse geological, geomorphic and geo-historical phenomena, and elevating its status as a site of national and international heritage significance is incredibly important. I will continue to raise the issue with the federal government and advocate strongly for Arkaroola to be nominated for national and world heritage listing.

Whilst up at Arkaroola, I also released the draft Arkaroola management plan for public consultation. As the Minister for Sustainability, Environment and Conservation, I am obliged under section 8 of the act to develop a management plan. This draft plan has been developed by the

Department for Environment, Water and Natural Resources, together with a steering committee that includes representatives from Arkaroola Wilderness Sanctuary and Mount Freeling Station.

As well as in consultation with the lessees, the traditional owners and relevant scientific specialists were involved. It sets out how natural and cultural values will be protected and how the rights of traditional owners, property owners and lessees will be preserved. As required under the act, the draft plan has been released for a period of three months, and comments can be made on the government's YourSAy website.

Mr President, I would like to thank everyone who welcomed me during my two day visit to Arkaroola. It is a fantastic part of South Australia, and I believe we should all work together to ensure it is protected. I invite all honourable members to lobby the federal government for its listing as a world heritage area.

Bills

JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 May 2015.)

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) (15:24): I understand that there are no further second reading contributions, so I would like to thank those members for those contributions. There were a number of issues raised through that second reading debate that I would like at this point in time to address.

In relation to concerns that the Law Society says there is no need for this bill, since the decision of the High Court Dupas v The Queen 2010 (247 CLR 231), the bar has been set very high for an accused to successfully apply for a permanent stay of criminal proceedings as a result of prejudicial publicity. As applicants for permanent stays are now very unlikely to be successful, the bill provides an extra option for judges when considering an application for a stay. This serves the interests of justice in that it is another method of ensuring the accused has a fair trial.

As the bar for a permanent stay is so high, the amendment is filling a gap in the system that was identified. There is currently nothing between the jury trial with directions and a permanent stay. Section 7 of the Juries Act 1927 allows an accused person to elect to have a trial by judge alone:

> 7—Trial without jury
>
> (1) Subject to this section, where, in a criminal trial before the Supreme Court or the District Court—
>
> (a) the accused elects, in accordance with the rules of court, to be tried by the judge alone; and
>
> (b) the presiding judge is satisfied that the accused, before making the election, sought and received advice in relation to the election from a legal practitioner,
>
> the trial will proceed without a jury.

There are some exceptions to this. For example, where there are joint accused, both need to agree with the election for a judge-alone trial. The DPP can also apply for a judge-alone trial in some serious and organised crime matters, and the court may grant the order if it is in the interests of justice to do so.

Looking forward, it is likely that the use of social media will increase over time. The government wants to ensure that the justice system is prepared for future cases that may require options such as judge-alone trials to ensure an accused can always receive a fair trial in matters where there has been significant prejudicial publicity.

There was another concern around jury trial lost through no fault of the accused, and the advice I have received is that it is incorrect to say that the accused has lost their right to a trial by jury. The government agrees that it is unfortunate that external factors such as media reporting can influence a person's criminal trial; however, this is the reality. It is the world we live in today. The

media will always report on criminal trials, particularly notorious matters, and it is important that this reality is recognised and measures are put in place to ensure a person has a fair trial, even if there has been prejudicial publicity. This bill gives judges an additional option to ensure an accused has a fair trial.

There is a further concern that the bill leads to the loss of the accused's right to jury trial, and I have been advised that characterising this bill as eroding the right to a trial by jury is incorrect in the government's view. There is no constitutional right to a trial by jury at state level. It is conferred by legislation. The order can only be made if the accused has made an application for a permanent stay of proceedings and presumably therefore are concluded that they, the accused, no longer want a jury trial due to no doubt the effect of the publicity.

Since the bar to receive a permanent stay order is now set so high due to decisions of the High Court, the accused currently has no real option but to proceed with a jury trial. This bill provides an alternative if the judge believes jury directions would not be sufficient to ensure a fair trial. The bill benefits the accused by ensuring that a fair trial is achieved.

Although it is understandable that an accused would prefer to have no trial, rather than have the trial continue, it is ultimately in their interests that judges have the means to ensure that the trial is, in fact, fair. It is also in the interests of justice that the accused should face the court and be tried for crimes they have been charged with.

In relation to concerns that the bill could lead to the media being less constrained in their reporting and does not discourage the misuse of social media, I have been advised that the bill expressly provides that it does not affect the contempt of court provisions. This is to remind those who report on criminal matters that they can still be charged with contempt. There is no one legislative approach that can fix the issue of irresponsible media reporting and irresponsible use of social media. The bill is designed to give judges an additional option to ensure that an accused has a fair trial where there has been prejudicial publicity.

Concern was also raised that the bill may intimidate the accused into not applying for a stay in fear of getting a judge-alone trial. I have been advised that it is correct that an accused who does apply for a stay will have to take into consideration the possibility of then getting an order for a judge-alone trial; however, a judge-alone trial will be ordered only where it is determined to be necessary to ensure that the accused has a fair trial, and therefore the order is made to benefit an accused person.

The accused person, in applying for a permanent stay, has clearly decided that they believe a jury trial will be unfair to them and that it is no longer desirable. Therefore, the accused person can only be benefited by the court taking additional measures, such as making one of these orders, to make sure that their trial does proceed in a fair way. With those words, I again thank honourable members for their contribution, and I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I thank the Leader of the Government for the government's comments at the second reading. In many ways, it gives the government's response to the matters that I raised and other members have raised through the debate on the second reading, but the Liberal Party remains unmoved by the government's submissions. We do not take the view that this is a necessary piece of legislation. The bar for an accused to obtain a permanent stay has been set extremely high. They also have the option under the current law whether to be tried by judge alone or by jury, and that is not just an issue of publicity for the accused; it may be a variety of factors which affect the accused's decision.

That brings me to the key point in this amendment. This amendment really takes away from the accused the option of applying for a stay and, in effect, institutes a penalty in the sense that they put themselves at risk of a judge deciding that they should have a trial without jury. That should be

seen in the backdrop of the importance of the jury system to our democracy. The government has rightly said that it is not a constitutional right, but it is such a fundamental part of our democracy.

Indeed, it can be seen as a pillar of our democracy in the engagement of our citizens in making serious decisions in relation to their fellow citizens. It should not be seen by this chamber at any time as part of a technical procedure in the administration of justice. It is as important as the business that is being conducted in this chamber and the other place. I am particularly drawn by a quote that was in the second reading contribution of the Hon. Mr Darley, where he raised a quote from the ACT justice, Xavier Connor QC. He said:

> Trial by jury is and is seen to be a system better adapted than any other to preserving the liberty of the subject against oppression by the state.

It is against that backdrop that the Liberal Party feels this is an unnecessary amendment, one that does not advance the law and finds the arguments, particularly in relation to media influence, not persuasive.

In all endeavours of the criminal justice system we have to take into account the influence of the media. The easy way out is to amend or restrict the rights of the individual, but the jury system is there to protect the rights of the individual against the state itself and it is that which we consider a key principle which should only in very serious circumstances be considered by the legislature for amending.

There was also, in my research, very little case law that I could find where publicity alone gave rise to a stay. In fact, there are a multitude of issues raised. I also have great confidence that the citizens of South Australia can filter out what the media says and focus on the evidence. In essence, what we are saying with this amendment is that we do not trust our own citizens to make judgements. In all those circumstances, the view of the Liberal Party remains unchanged and we will be voting against the bill in the third reading.

The Hon. D.G.E. HOOD: I indicate that Family First takes a somewhat different view to the one we have just heard, with respect. We will be supporting the bill. It is quite a simple bill, but the operative clause really does speak for itself, and this is why we have been persuaded to support the bill. It states:

> Where, in a criminal trial before the Supreme Court or the District Court, an accused applies for a stay of proceedings on the basis that publicity has prevented, or may prevent, the accused from receiving a fair trial, the court may, at any time, if it considers it necessary—

And I think that is the key part, sir, 'if it considers it necessary'—

> in order to ensure a fair trial, order that the accused be tried by judge alone.

Obviously, that is not something a judge would do lightly. For that reason, we are inclined to support the bill. I would also add to that that it has been reported to me from a reliable source that somebody who was involved in a jury in an actual trial was quite surprised to hear some jurors make remarks along the lines that, 'This person must be guilty,' because of the circumstances that they had heard in the media.

I am sure that is rare and I do not disagree with the comments the Hon. Mr McLachlan made, I think he summed up the argument against the bill quite well, but I am persuaded by the fact that the bill itself actually says that it is only when considered necessary to ensure a fair trial. When you add to that the report that has been given to me by a member who was actually on a jury who had heard something to the effect that, in their view, was somewhat persuasive to other members of that jury in terms of their position, I think, on the basis of that position, we are persuaded to support the bill.

The Hon. M.C. PARNELL: Because this bill is clearly a live one now, with the numbers quite tight, I thought I should put the Greens' position on the record briefly, given that we did not make a second reading contribution. The line of inquiry undertaken by the Liberal opposition is very similar to the line of inquiry the Greens undertook, and that included inquiring into whether there had been cases in South Australia where a person had effectively avoided a trial by using the excuse or the complaint that the prejudicial publicity was so great that they were not able to get a fair trial and thereby effectively walked free.

I am indebted to the minister's advisers for providing precedents and cases, but I think it is fair to say that there is not a case where prejudicial publicity alone has been sufficient reason for a court to say to an accused, 'You can't get a fair trial. You can walk free.'

The closest case that I am aware of where prejudicial publicity was one of the reasons that resulted in a person not being tried for very serious crimes was the case of former magistrate Peter Liddy. As members would recall, this was a most notorious case. In 2001 the former magistrate was convicted before a jury of three counts of indecent assault, six counts of unlawful sexual intercourse with a person under the age of 12 and one count of offering a benefit to a witness. He was sentenced on 5 June 2001 to 25 years imprisonment with a non-parole period of 18 years.

Fast forward some eight or nine years, I think, and some other victims sought to have their complaints against Mr Liddy resolved in court. Liddy, through his lawyers, basically said, 'Well, I'm not going to get a fair trial because I'm notorious in the media. Everyone knows my name, they know what I've been convicted of, I can't possibly get a fair trial.' One of the great ironies, having heard the Family First contribution, is that one of the reasons why these second cases came so much later was the bill that the Hon. Andrew Evans succeeded in getting through parliament, which actually changed the statute of limitations period for child sex offences.

There were some offences that were known in 2001 but could not be tried because of those laws that have now been repealed. So, as a result, when the laws were repealed they came back and had, if you like, a second bite of the cherry. What the judge said in what I will call the Liddy number two case in 2010, I think it was, is that he accepted that there had been a lot of adverse publicity. I will quote from the judgement:

> I am satisfied that the potential for prejudice caused by the publicity in this matter is likely to be very considerable. However—

and this is the crux of it—

> it is unlikely that, standing alone, it would be such as to give rise to an unacceptable and significant risk that a fair trial is precluded.

In other words there were other factors that added to the adverse publicity, which resulted in the fact that Liddy was not tried for these subsequent offences. It is a lengthy judgement; I have read it. Between the lines, the reason Liddy escaped trial for these other offences is that he was in gaol for 25 years with a very long nonparole period and, even if he had been found guilty of the subsequent offences, as was very likely, it was not going to add any time to his gaol time. The sentences would have been served concurrently.

Whilst the judge does not actually say that outright, on reading the judgement I am pretty sure that that is the case. So, yes, Mr Liddy did avoid a trial and, yes, adverse publicity was one of the grounds, but it was not the exclusive ground. In fact, standing alone, it would not have been enough. So we come back to the position that the Liberals have put: there aren't any examples of where this has been a live problem for which this law reform is necessary.

So then we look at basic principles. How strongly are we prepared to defend the right to trial by jury? I understand what the minister said, that she disagrees with the Law Society's interpretation. I am actually inclined to believe that the Law Society has got it right. The ability to choose whether to go to a trial by jury or a judge alone is something that is the right of the accused, whether it is constitutional or whether it is just a legal right of long standing in our legislation.

The flip side of the coin—and this is what the bill is trying to say—is that we want to make sure that there are no circumstances in which the community's right to make sure that an alleged wrongdoer is tried is not subverted by some sort of legal technicality. My answer is: it has not happened; it is unlikely to happen. The High Court set the bar high. We do not think it is going to happen. As a result, the position that the Greens have come to is that this legislation really does no great good, it does not actually advance or protect justice or the rights of either society or the individual in the criminal jurisdiction in South Australia, so we will not be supporting the bill.

The Hon. G.E. GAGO: That is incredibly disappointing. Obviously the government believes that this piece of legislation is worthwhile and is necessary, given the High Court decision of Dupas v The Queen, which changed the level that the bar could be raised around stays being

applied. That decision resulted in a stay not being granted, and it has now had quite a significant effect on further provisions.

The Hon. Andrew McLachlan is implying that there is no benefit in this legislation. I have outlined quite clearly that there are benefits for the accused, that the government believes there are situations where external factors like media reporting can influence a trial, and that this piece of legislation gives judges an additional option—just an option—to ensure that a fair trial proceeds.

However, in relation to giving precise examples, the government agrees that it is not common and it is unlikely to be common. However, we cannot say as legislators that it would not happen in future. We are looking ahead and saying that, with the increased use of social media, it is much more likely to happen. So, rather than wait for this to occur and then be legislating, we are foreseeing that there is potentially an increased likelihood for the need for this sort of provision. So, this bill takes a more proactive approach to account for future cases that may benefit from the option of these orders. I urge members to reconsider. It is an important opportunity and we hope that it will not be missed.

The Hon. A.L. McLACHLAN: I thought I would address some of the issues from a Liberal Party perspective that have been raised in the chamber in this debate. I will start with the Hon. Mr Hood. Whilst I greatly respect his submission to the house, I assure him that, from my own experience, when I practised in criminal law a long time ago, it was my view that juries generally got it right. That is why we have 12 jurors and not one. There may be one of a weaker mind in the 12, but that is why we have 12 and not six, four, three, two or one.

I also re-emphasise my point that it is the right of the accused. It always sends a shiver up my spine when I hear about the state, and the state collectively, always worrying about what is best for the accused. I know from my days defending people that it is the loneliest place to be, and the only person you have got standing by your side is your defence counsel. I think it is a very cute argument to say that it is for the benefit of the accused, which is the government's proposition. I do not think it is for the benefit of the accused.

Media have always attempted to influence trials. Jurors have always, since time immemorial, had to focus on the evidence and turn away their minds, and I do not think social media present a greater risk. If that were such an issue, the government would have tabled in the other place or in this place evidence of the influence of social media: it has not. It has simply produced a technical amendment. I do not find the argument convincing, and it would take a lot of convincing to say that the situation in our community has become so bad that 12 people neglect their duties in the confines of the jury room. It will always be an issue, and that is why we have judges directing them, and that is why we choose jurors who take their responsibilities seriously.

I will finish on one particular issue: in this situation a right is being taken away from the accused. What we are saying here is that the judge will then make the decision whether it will be a trial by judge alone. We are taking away a discretion from a judge whether to stay, which again is extremely rare, and then we are saying that we are taking away the rights from the accused and giving another discretion back to the judge to decide whether they have a trial by judge alone. I just do not think that is a logical progression. I finish on the basis that the Liberals remain unmoved in the chamber and reiterate that we see this chamber as the last line of defence for the rights of the individual and, in this instance, we will, in good conscience, vote against this bill at the third reading.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:51): I move:

That this bill be now read a third time.

Third reading negatived.

LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 May 2015.)

The Hon. D.G.E. HOOD (15:51): I rise to speak to the Local Government (Building Upgrade Agreements) Amendment Bill. I indicate that, whilst Family First is supportive in principle of what the government is trying to achieve in this case, we do have some very significant concerns about this bill.

The government has identified several barriers that landlords face when attending to necessary building upgrades. Whilst we share the concern in regard to improved energy, water and environmental performance of these existing buildings, we do, as I have said, share the concern that some of the members of this chamber have already expressed as to the effect this bill may have on small business.

Business in South Australia is already prohibited from functioning efficiently and is subjected to numerous inefficient taxes and substantial red tape. The government has noted some of these issues in their recent taxation review discussion paper. We are heartened that changes of this nature have been flagged; however, we are, as always, aware that seemingly well-intentioned legislation can have significant unintended consequences.

Accordingly, whilst a bill such as this one, correctly implemented, could bring a wide spectrum of benefits to South Australian businesses, it is entirely possible that it could become even more prohibitive if incorrect or ill-informed decisions are made. It is imperative that any measure affecting business in this state be carefully considered to ensure that appropriate measures are taken to encourage and not prohibit economic growth.

Under this bill, landlords are able to pass the costs of this upgrade on to tenants where they consent. In instances where consent has not been given by the tenant, the landlord can require a contribution to the reasonable estimate of the cost saving that results. It is especially concerning that the methodology for calculating the reasonable estimate has yet to be determined. How then can a reasonable assessment of the cost to tenants be made? The answer is that we simply do not know how much cost will be passed on to tenants.

To be clear, we certainly are not opposed to landlords upgrading their properties and passing some cost on to tenants where the tenant clearly derives a benefit. Family First sees this as appropriate and, in some instances, obviously highly beneficial. However, we want to ensure that all parties are treated equitably through this process, and it is essential that tenants are given some measurable benefit for what would almost certainly be an added cost to them, especially when they have not consented to this additional cost in the first instance. This bill does not clearly ensure that this will occur.

There is a risk that added cost will be passed on to the tenants already struggling to make their businesses work and it could be what, to use the vernacular, pushes them to the wall. I note that Business SA has asked that all reference to landlords being able to recover contributions from tenants for environmental building upgrade finance without their express consent be removed. One of the greatest concerns that Family First has in relation to this bill is that there is no clearly expressed remedy or so-called make good provisions in instances when no savings actually occur. A business which is forced to incur costs under the guise of long-term saving should have the protection of a provision allowing tenants to recover their loss.

It is foreseeable that a small business owner would not be in a position to force a landlord to repay money for capital works which did not return the expected or promised cost savings. As there is no make good provision in this bill, the tenant would have to bear the cost for which they receive no tangible benefit and will have no reasonable option from recourse. We do not believe this is acceptable.

Business SA has raised concerns about the lack of clarity as to who will administer this scheme as well. There has been some suggestion that the Local Government Association may be

the organisation who will administer the scheme, and no doubt the minister will clarify this in the summing up. I, too, share the concern that this could essentially become a conflict of interest between the organisation that represents the councils and a particular council which is imposing the levies on the building upgrade agreement. It would be helpful to know which administrative unit would be charged with oversight of this scheme during debate, but it seems that that may be unlikely.

Given the nature of this legislation, it is entirely possible that disputes will arise between landlords and tenants. It would therefore be prudent to have set out an appropriate dispute resolution process to ensure the equity of this proposal for both parties. The bill is silent as to dispute resolution.

I note that a number of my colleagues have raised similar concerns, and I look forward to ongoing debate and hearing from the government in relation to these issues in the summing up when we all decide our final positions.

The Hon. T.T. NGO (15:56): I rise to support the Local Government (Building Upgrade Agreements) Amendment Bill. Energy use in buildings accounts for over 20 per cent of South Australia's greenhouse gas emissions. There are a number of old commercial buildings in South Australia which could be made more energy efficient, and by upgrading these buildings to be more energy efficient we can reduce these emissions. This bill aims to achieve this by making it easier for commercial building owners to environmentally upgrade their buildings.

Currently, there are a number of reasons why commercial building owners may choose not to retrofit their buildings to be more environmentally efficient. These include difficulty in obtaining finance and not receiving the benefits of upgrade works as energy-efficient savings are passed on to the tenant through reduced energy bills.

Finance lenders have been reluctant to provide loans for such upgrades because of the lack of collateral security. This bill aims to solve these problems by introducing a finance mechanism for building upgrades for commercial buildings. South Australia will be the third region to implement such a mechanism. The City of Melbourne and New South Wales already have similar mechanisms.

According to the Sustainable Melbourne Fund, which administers environmental upgrade finance in Melbourne, agreements in place to date have resulted in annual cost savings of $571,000 to two building owners alone and reduced carbon by about 6,267 tonnes. The first building to sign an agreement was 460 Collins Street, which was built in 1939. Its old air conditioner was replaced with an energy-efficient cooling system. It resulted in energy bill savings of $11,000 per annum and carbon emissions savings of 170 tonnes.

This building's owner has proposed more upgrades, including a new boiler, for a total proposed saving of around $33,000 per annum. A number of other buildings in Melbourne have undertaken various upgrades, from coolers and boilers to motion sensor lighting. This scheme has been so successful in the City of Melbourne that Victoria is looking to expand its scheme to the rest of the state.

Building upgrade agreements are loans which can be taken out by building owners to environmentally upgrade their commercial building. These agreements are voluntarily undertaken between the council, a finance provider and a building owner.

Finance companies provide the funds, but the loan is administered by the relevant local council through rate collection. The loan agreement is a charge over the building. It takes precedence over mortgages and liens that may already be in place. A lien is a security interest granted over a property, or part of a property, to secure payment of a debt or obligation. This provides excellent security to the finance provider.

This bill also includes safeguards to ensure that these loans are commercially viable. These include that the value of the loan must be less than the value of the building before it is upgraded, minus any mortgage or charge, etc., that is already over the land.

Through building upgrade agreements, owners will also be able to enjoy the benefits of upgrading their building. Currently, a tenant may receive all or nearly all of the cost benefits of any efficiency improvements made to the building through reduced utility bills. Building upgrade

agreements will allow the owner to recover a contribution to the cost of the building upgrade from the tenants, either by consent or notifications, subject to conditions set out in the bill.

If the contribution is to be recovered through notice, it cannot exceed a reasonable estimate of the amount the tenants will save from the upgrade works. This protects the tenants from paying more for use of the building than they currently do, while the owner is able to benefit from the upgrades made to the building. It is anticipated that there will be other benefits, including an increase in demand for energy efficient mechanisms. Such an increase could lead to an increase in employment in our renewable energy sector.

Building upgrade agreements are a vital step towards reducing our greenhouse gas emissions while also providing economic opportunities. They also provide opportunities for local governments to partner with their ratepayers to improve the amenity of their local area.

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

WORK HEALTH AND SAFETY (PROSECUTIONS UNDER REPEALED ACT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 May 2015.)

The Hon. D.G.E. HOOD (16:03): I rise to speak on the Work Health and Safety (Prosecutions Under Repealed Act) Amendment Bill. The circumstances, I am sure all members would agree, that have resulted in this bill coming to the parliament are truly dreadful, and have garnered support and sympathies of those both in this chamber and in another place.

The serious injury or death of anyone at work is obviously tragic, and it is made worse when there is the possibility that an employer may have been at least partly to blame. I am not commenting whether they were in these particular instances, but it is tragic when that is the case, especially so when those employers may not face punishment for their role in the circumstances which have contributed to these tragic outcomes.

This bill inserts a transitional provision into the Work Health and Safety Act allowing the minister to extend the time limit to commence proceedings under the now repealed Occupational Health, Safety and Welfare Act 1986. There are two work health and safety matters that were to be prosecuted but, due to technical errors, they were unable to proceed. We are now being asked to change legislation retrospectively so that these two matters may be judicially determined. There has, of course, been some strong opposition to the proposed legislation. Business SA has said, and I quote:

> Given that the period in which a prosecution can be filed is two (2) years, this in no way explains why the proceedings were filed so late within that statute of limitations that once the error was realised there was insufficient time to correct the error and refile proceedings.

There are, of course, reasons why a lawyer or agency might file proceedings close to the limitation period; however, one would expect that specifics, checks and balances would be in place to ensure that correct procedures have been followed to ensure the accuracy of the filing. As has been mentioned in this place, as well as via numerous submissions, it is unclear exactly how this technical error occurred, whether by error, negligence, incompetence; we do not know.

The comment has been made (and I do tend to agree) that there should be accountability for that mistake, and that the responsible department should be audited, with changes made and action taken where appropriate. It is inconceivable to me that government would amend this time limitation despite the significance of the matter, in circumstances where a private lawyer had improperly filed proceedings or made other technical errors preventing the matter from reaching judicial determination.

If this happened in a private setting, we would not be here today, seeking to change the legislation, I am sure. It therefore begs the question of whether or not the time limitation should be changed at all. We agree that two terrible sets of circumstances have occurred, and the families may

well like to see these employers give account of their actions in an attempt to secure what they feel is a just outcome.

Should this bill pass into legislation, there are no guarantees of the success of these matters; however, should this bill not pass, there may be avenues by way of civil litigation and ex gratia payments available to those affected. Whilst compensation can never account for the injury or loss of a loved one, it may go some way towards acknowledging an injustice that has occurred. Sir, that may be a good opportunity for me to pass on my sympathies and condolences to the families involved.

In relation to the changing of the limitation of time under this bill, of course, the usual argument has been raised. There are three clearly recognised reasons for upholding limitations of time with respect to statues, and they are: firstly, a plaintiff with a good cause of action should pursue it with reasonable diligence; secondly, the defendant might have lost evidence to disprove a stale claim, if we are talking about exaggerated time frames; and, finally, it has been suggested by *Halsbury's Laws of England* that long and dormant claims have more cruelty than justice.

It is a simple logic that the longer a period between an accident and a proceeding, the more difficult it becomes to ensure witnesses are available for trial. The accuracy of testimony and the ability of a witness to recall the events will also suffer. That being said, Family First is not opposed to retrospective legislation in some instances. For example, historic sexual abuse cases should, where possible, be prosecuted. Indeed, as the Hon. Mark Parnell mentioned before, it was Family First, through the Hon. Andrew Evans, that moved a bill to that affect which passed in this place a number of years ago.

There were of course numerous reasons why a sexual abuse case might not be prosecuted under the previously legislated time limitation. The change in legislation was about victims' rights and acknowledging that there are sometimes genuine and often highly personal reasons why an action can not be brought within that time frame. The change was not, however, brought about to correct a technical error made by an agency or anyone else.

The scope of this legislation has also been commented on. Whilst it is only intended that the changes made under this bill apply to the two matters at hand, it is entirely possible that there could be others. I accept that the government is genuine and has sought to identify which matters would be affected, and I have no reason to question the information which has been provided. But the potential remains, despite that, that there may be other matters that SafeWork, for whatever reason, may not be aware could fall under the auspices of this legislation, for example.

I do accept the submissions received by my office that this bill would set an unacceptable precedent where the government of the day (be it Liberal or Labor) or any future government could argue that an administrative error rightfully should be fixed via legislation. We certainly do empathise with the injured worker and their families, and the friends of the worker who lost his life. We have certainly considered at length the provisions of this bill and the reasons for its inception. However, under these circumstances, as they are currently presented, we are not convinced that this bill is the appropriate mechanism to correct the administrative error that has occurred. Again, I offer my sincere sympathies and condolences to the families involved, but we are not able to support the passage of this bill at this time, under these circumstances.

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

CRIMINAL LAW (EXTENDED SUPERVISION ORDERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 March 2015.)

The Hon. D.G.E. HOOD (16:09): Family First has always been supportive of measures which we truly believe bring effective and necessary change to the areas of law, and particularly in relation to victim protection and increased accountability for offenders. We see soft sentencing and leniency shown towards offenders to be an insult to the victims and a form of subtle encouragement, if you like, or certainly not something that serves as discouragement to repeat offenders.

The object of this bill is community protection by placing extended supervision conditions on high-risk offenders who have an established history of serious sexual and/or serious violent offences. Family First supports the implementation of these ESOs and welcomes the additional layer of protection we believe these orders will provide to victims as well as to the broader community.

The ESOs impose restrictions on an offender's freedom after penalties imposed by the courts. In a sense, the ESO tries to regulate potential future conduct as well as recognising the past wrongs of the individual offender. As the government noted in the second reading, currently a high-risk offender would be released to live in the community under no supervision whatsoever if they had elected to serve their entire sentence without applying for parole. We do not believe this is appropriate in some circumstances.

It is simply the case that serious offenders are frequently repeat offenders. The system often fails in its attempts to rehabilitate offenders and, as a result, once all legal obligations are complied with, a dangerous offender is let loose once again in the community. We believe there are genuine instances where this unsupervised release is not appropriate and the community deserves better protection. Family First is comfortable with the bill, as it is clearly only intended for very serious offences where the community would benefit from those offenders being further supervised.

There certainly are a wide range of offences that fall within the scope of this bill. To be deemed a serious sexual offence, someone must have been convicted of an act such as rape, unlawful sexual intercourse, acts of gross indecency, to name a few. Similarly, to be deemed a serious sexual offender, the bill sets out numerous high-end offences for which the offender must have been convicted. Offences include acts of gross indecency and furnishing false information.

For an ESO to be ordered due to a serious violent offence, the conduct for the offence must involve serious harm or a risk of serious harm to a person, serious damage to property which also involved the risk of death or harm to the person, or preventing the course of justice in relation to a serious offence of violence. These are high-end crimes and certainly would be appropriate offences to consider the use of an ESO. These offences certainly go some way to providing community assurances that people with serious offending behaviours will not be able to integrate back into the community without oversight, as is appropriate in our view.

It is not without merit to ask how many people are likely to be caught under this bill. Some discussion was had as to the number of offenders who would not qualify for the sex offender provisions and a significant number of offenders due for release who had been imprisoned for an offence against the person. Unfortunately, it was not able to be determined how many of these offenders would meet the necessary qualifications for an ESO. It is therefore my understanding that the exact number of offenders who may get caught under this provision is unknown at this stage, and I would ask the government to clarify in the summing up on those issues if possible.

The bill allows an ESO to be ordered for, as I have said, serious violent or serious sexual offences; however, it is not limited to current acts. The bill allows ESOs to apply to offences against a corresponding previous act. It applies to an attempt to commit the above offences or an assault with intent to commit the above offences. This includes offences against the law of another state or territory.

We also agree that a person who fulfils the ESO criteria, having at any time served a term of imprisonment for a serious sexual offence or serious violent offence, should be, or at least should in theory, be subject to an ESO, even in instances where the person is convicted of lesser offences. The bill creates checks and balances by providing clear instances when the Supreme Court can order an ESO and dictates information they must consider when making such an order. The conditions imposed on the court in determining whether to impose an ESO are sufficient to require a measured approach to their ordering.

I am advised that the budget for these measures is in the order of $300,000 over a two-year period. This limited amount could indicate that the provisions of the ESO are only intended for a small handful of people and, again, I seek the government's clarification during the summing up on this issue. We certainly are interested to see the effect of the ESO on community perception and the effect on the offender. We trust the government will appropriately monitor the implementation of the

ESO to turn its effectiveness with a view to possibly expanding its operation where necessary and if appropriate.

We strongly believe that the rights of the community are paramount and they deserve to have the added layer of protection that comes with supervision. We welcome the introduction of the Criminal Law (Extended Supervision Orders) Bill, as we believe it is high time serious violent and sexual offenders are placed under appropriate long-term supervision orders to protect the community from future offences.

Debate adjourned on motion of the Hon. T.T. Ngo.

ANIMAL WELFARE (LIVE BAITING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 May 2015.)

The Hon. T.A. FRANKS (16:15): Today, I rise to speak to the Animal Welfare (Live Baiting) Amendment Bill. The Greens welcome this legislation; indeed, we welcome any reforms to improve animal welfare outcomes in this state and to strengthen laws to prevent, in this case, live baiting in South Australia.

Of course, many of us saw or heard the news reports of the sickening footage on the ABC *Four Corners* program *Making a Killing*. That footage was, of course, the result of the work of groups such as Animals Australia and Animal Liberation Queensland and their investigation to expose the illegal practice of live baiting at trial tracks in New South Wales. Many were shocked to see quite high profile people within the greyhound industry implicated in these practices. The footage showed possums, rabbits and even a piglet being mauled to death at greyhound training facilities. Clearly, the industry, in some parts of this country at the very least, has a very dark underbelly.

Whilst Greyhound Racing South Australia has said that there is no evidence to suggest that this is happening in our state, we must take all steps to ensure that it does not happen in our state. I would note that, prior to that *Four Corners* episode, we were told interstate that it was not happening there, either. The Greens are supportive of any legislation to address this topic of live baiting but, as I will cover later in my speech, we also believe that this is just a first step.

Speaking of the *Four Corners* episode, I note the importance of this exposé in that we need strong current affairs programs. Had it not been for the *Four Corners* exposé, this horrific animal abuse would be continuing now, unknown and unaddressed. It needs to be labelled a national disgrace, and assurances made by the greyhound industry that it will do everything in its power to ensure that sick practices, such as live baiting, will not continue need to be called to account and held to account.

Reports like this from the media, the fourth estate of our democracy, are something we do not see enough of in 2015, with these days of a shrinking news room, shrinking budgets and, indeed, the relentlessness of the 24-hour news cycle and the five second sound grab. Programs such as *Four Corners* are essential for giving voice to the voiceless. We have seen *Four Corners* do it on many, many areas of animal welfare—and, to their credit, this week we have seen their report on the slave labour that we are seeing, to our shame, in our country.

I must also commend the work particularly of John Kaye, a Greens MLC in New South Wales, who has long campaigned to expose the unethical practices and animal cruelty in the greyhound industry, particularly in New South Wales. He is a longstanding campaigner on these issues, and he was involved in the inquiry a few years back in the New South Wales parliament and the author of the dissenting minority report on that inquiry.

Also, around the country, in Tasmania we have seen Cassy O'Connor step up on this issue and, with the cross-party support of her Tasmanian parliamentarian colleagues, establish a select committee to inquire into, report and make recommendations about the Tasmanian greyhound racing industry. The inquiry there will consider live baiting, but it will also consider the issue of 'wastage' (the killing of dogs) and 'draining' (the draining of blood from a dog before it is euthanased). We are

not doing that in this state at this stage, but the Greens flag that particularly those issues of wastage and draining should be at the forefront of further work in this area.

The bill that we have in front of us has been pulled together by the minister in conjunction with Greyhound Racing South Australia and the RSPCA to come to an agreement and a consensus position. I understand, from the briefing provided by the minister's office on this bill, that it has been quite a positive and productive process of working together. The bill creates new offences relating to taking part in or being present at a prohibited activity and introduces a new category of live baiting to the existing categories, such as cockfighting and dogfighting.

The bill also increases the penalties for organising or promoting an animal fight from $20,000 or two years imprisonment to $50,000 or four years imprisonment. The Greens believe this is appropriate and reflects the fact that the community has no tolerance for these acts. Indeed, these acts have no place in a civilised society. We are also pleased to see section 14A expanded to make being in possession of a lure with a live or dead animal or part thereof an offence.

We have done some extensive stakeholder consultation on this bill, but we have much more to do. In the short time that we have had to talk to the relevant stakeholders, beyond those that the government consulted with, being the RSPCA and Greyhound Racing SA, we have spoken to many groups and I want to put some of their concerns and their support on the record today. The first is the Friends of the Hound Incorporated Greyhound Adoption Group. The president, Lisa White, writes:

> From the outset, we maintain that the nature of this industry—using dogs for a large-scale commercial betting platform, on the economic basis of state wagering revenue and profits for participants, forms an unethical foundation to which problems of regulation, compliance and corruption, along with over-breeding, wastage and other animal welfare problems, are interminable issues…

She goes on to say:

> …it would be remiss to believe that this behaviour is limited to 'a few bad apples'. It has been obvious to many welfare groups and concerned individuals for many years that there are inherent problems with Greyhound racing, including live-baiting, and yet the controlling bodies have chosen to deny its existence, through apparent lack of evidence, and in doing so, have proven their incompetence or insouciance to effectively regulate the industry. There are many people (both within the industry and in the community) that believe the controlling bodies [in New South Wales] did know or suspect but did not act. A common theme heard amongst the community is that live-baiting has always happened and is common practice.
>
> …The crimes of live-baiting are not the only problem in Greyhound racing. To many people, commercial dog racing and the negative consequences for the dogs, is a crime in itself. Every year the Greyhound racing industry breeds nearly 20,000 Greyhounds for racing and gambling. It is a breeding lottery for the fastest dog. The only possible outcome for this continual over-breeding is an early death for most of the dogs. This exploitation and routine killing is reason enough for an end to this industry.
>
> …Wastage, mass graves, live-baiting, doping…—this industry does not reflect the values of today's society.
>
> …Leading trainers and industry officials across three states have been implicated. With perpetrators of this callous and criminal 'blooding' of dogs holding the status of 'Greyhound Trainer of the Year', people are right to wonder if the success of a racing dog comes down to the criminality of its trainer.
>
> In an organisation dependent on commercial gain and profitable outcomes, regulatory functions are compromised due to a conflict of interest with commercial performance. For this reason controlling bodies responsible for both commercial and regulatory functions of Greyhound racing are not effective in carrying out both roles, serving to undermine the transparency and accountability required and expected. The Greyhound racing industry should not be permitted to self-govern and should not have the responsibility of regulatory control. Issues regarding transparency and accountability stem from ineffectual oversight and the obvious consequence is poor animal welfare outcomes.
>
> …This is an industry that claims to be made up mostly of hobbyists—that then states employment as a justification for its existence; an industry that believes it is beyond social and market forces, and above the law; an industry that exhibits an arrogant attitude about its long-time protection and support from the government,—

And I note there that she is referring to the New South Wales government—

> based on economic reasons. Like other iconic Aussie organisations that once flourished but have hit an economic and social wall impeding their continuation due to market demand and customer perceptions, the Greyhound racing industry should face its challenges and decline without legislative provisions and without government support. It is time to let it go.
>
> Integrity is long gone, and the rot is embedded at all levels. The stain from the mix of animals, racing, gambling and greed has festered and spread.

In relation to regulatory functions and animal welfare, it is not possible to have effective regulation without transparency and independent scrutiny. It is also not possible to carry out effective monitoring, management and regulation to uphold welfare obligations without adequate resources, funds and personnel. The responsibility is a mammoth task, and one beyond the capabilities of the current controllers—or any other body or inspectorate. The ability of the industry to conduct regular and efficient inspections of all participants' properties and activities, and enforce penalties that ensure compliance by its members, may never be attained.

Minimum standards and Codes of Practice are only worth implementing if they contain adequate welfare principles at their core, teamed with sufficient enforcement and regulation. This is a culture that exists by exploiting animals for commercial gain with a history of complacency in regard to the stringency of regulations and welfare initiatives. The resources, time and money required to adequately monitor or police these properties and participants, with regular kennel inspections (not ineffectively carried out once every 2 years!) and the necessary random follow-up checks—is unfeasible.

Puppy farming has gained much focus around Australia as a major animal welfare concern with many key animal welfare groups and government representatives advocating the abolition of puppy mills. Yet, the Greyhound racing industry is the largest group of puppy farmers in the country—seeking to profit from the over-breeding of these dogs—and the breeding and killing of Greyhounds continues unchecked.

The past decade has seen concentrated effort and emphasis from grassroots volunteer Greyhound rescue groups and animal welfare organisations in Australia and around the world, in educating people and creating awareness about the plight of Greyhounds, and bearing the responsibility and heartbreak of cleaning up after an industry that routinely discards and kills these dogs. There has been a significant shift in attitude about the breed and about Greyhound racing.

Decades of racing promotion, seeing the muzzled and thinking of them only as those fast dogs that chase things definitely produced a stigma about Greyhounds, which benefited the racing industry in preventing a public outcry. Now however, years of rescue, rehoming and promotion and assimilating them into the community has dispelled many of the misconceptions and has resulted in an increase in rehoming opportunities, and greater opposition to the industry.

We received a phone call from a local lady in her 70s who had been involved in racing for decades and had apparently been a leading trainer in South Australia. Her colleagues had asked her to call to 'sort us out' and a lengthy conversation ensued, in which our issues with mass wastage of Greyhounds due to the racing industry were explained. She maintained that the dogs are 'bred to do a job' and revealed that she had 'probably put to sleep about 300 in her time.' 300 dogs killed by one hobbyist in her pursuit of pleasure, through involvement in a profit-driven gambling industry!

Caught up in this culture of oversupply and wastage are the veterinarians and universities who present a means to an end to Greyhound racing people, at least to those willing to pay, by providing an easy disposal of the dogs. Vets are killing thousands of healthy, young Greyhounds every year, and Universities are using and killing hundreds of Greyhounds every year for veterinary science training and experimentation, taking the stance that it is better to put the dogs to sleep humanely than a cruel alternative. Justification for their actions is based on the presumption that a dog is going to die anyway and may suffer a more brutal or inhumane death if they do not perform this service. A veterinarian's charter is to relieve animal pain and suffering but all too often Vet clinics are accepting payment for killing a healthy, young animal that is of no further commercial use 'in case' another method might be used or because the Greyhound will likely be killed anyway.

Prioritising humane euthanasia as a solution to welfare problems is not sufficient…There is nothing kind nor compassionate about killing a healthy, young dog simply because it is no longer useful for making one money in a commercial racing and gambling industry.

Australia is one of only 8 countries in the world where dog racing exists. Greyhound racing in the United States now occurs in only seven states. It has been banned in South Africa, it is facing opposition in the United Kingdom. The global decline in popularity and acceptance of this so-called sport will impact the industry's future here.

The greyhound racing industry in Australia is made up of around 30,000 people, killing up to 18,000 dogs annually; a minority of people responsible for major carnage for a small percentage of wagering revenue.

The use of animals in entertainment and sport, where their well-being and safety is at risk, is at odds with the changing values of modern society. Australians are fast becoming aware that around 20,000 greyhounds are bred every year, only to be killed when no longer a viable asset to the racing owner or trainer. They are learning that there are countless injuries and even deaths suffered on the track by these poor dogs, and that just under half the dogs bred never even make it to the track.

Dogs are one of the world's most favoured companion animals. It is unreasonable and rather arrogant to expect that the Australian public should not be concerned about the breeding of nearly 20,000 of one breed of dog every year for gambling, with just under half of those actually making it to the track, and where the only possible outcome for the majority of them is an early death.

…humans have long given themselves rights and privileges over other species. The use of animals is generally balanced against human benefit. Animal exploitation for the purpose of gambling has a fragile moral claim.

Given that the greyhound industry requires large-scale disposal of dogs each year, the industry has a rather questionable claim on validity. It will come down to numbers: the number of dogs bred, which subsequently render this a dog killing industry; the number of greyhounds that are still being exported to Asian countries with no animal welfare laws; the relatively small minority of active participants actually engaged in this sport; the amount of government spending (taxpayer dollars) to prop up this code of racing; the high rate of injuries sustained by the animals providing this product; the amount of doping incidents; prohibitive cost and lack of funds for eradicating the misuse of these illegal and performance enhancing drugs; the numbers involved in live baiting and the fact that the industry has allowed it to continue; the numbers within the industry revealing dissatisfaction and causing conflict regarding administration mismanagement, poor governance, corruption and lack of profit share; and, the number of people who oppose the greyhound racing industry and seek an end to dog racing in Australia.

Even with tighter regulations and improved governance, we feel the industry would still present serious ethical and moral issues. Greyhound racing must end. The question is: how many dogs do YOU believe it is justified to breed, exploit and kill for gambling/wagering?

So ends that particular submission. My office also received a submission from World Animal Protection, who would like it placed on the record that they are opposed to the use of animals in entertainment and therefore do not support greyhound racing. They say:

As currently practised the 'sport' of greyhound racing is detrimental to the welfare of the animals involved.

Animals Australia corresponded with my office to say that they strongly support any legislation that will improve animal welfare outcomes for greyhounds and therefore are supportive of the measures in this bill. They write:

We strongly support the introduction of offences for live coursing, selling an animal for live bait and training or exercising a dog without a licence. We believe that these are all positive steps towards reducing the likelihood of severely cruel practices like live baiting occurring.

They continue:

…real change will only occur if these laws and regulations are policed and enforced effectively. As the current framework is largely self regulated by industry, it would be beneficial to tighten these obligations by introducing things such as compulsory auditing, thorough investigations by the authorities when complaints are received, and enforcement of penalties when breaches are detected.

The Animal Law Institute corresponded with my office, saying that they were similarly supportive of efforts to:

…further criminalise live baiting and regulate the greyhound racing industry to ensure individuals are deterred from engaging in the activity and are appropriately punished when it is detected.

They continue:

One of the biggest issues in the greyhound racing industry in all states of Australia, including South Australia, is the fact that the industry is largely self regulated. This creates a number of problems in terms of effective enforcement, including the increased difficulties in policing those involved in the industry and ensuring enforcement of the laws and regulations occurs.

When I initially corresponded with most of those groups—and some are still coming in with their submissions—it was, of course, originally with regard to the Hon. Michelle Lensink's bill as well, so certainly many of the words in support of her bill are echoed in support of the government bill.

Once again, the Greens congratulate the government for taking this swift action by working with both the industry and the RSPCA in preparing this legislation. We also commend the work of the Hon. Michelle Lensink, who has brought a piece of legislation to this council preceding the government's bill. However, it is clear that the scope of this legislation is only the beginning. This is one step forward, but it is not the only step that we need to take to ensure that the serious ethical issues that remain for this industry, including the immense levels of wastage, are addressed. With that I commend the bill to the council

Debate adjourned on motion of Hon. T.T. Ngo.

THE UNITING CHURCH IN AUSTRALIA (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:35): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses incorporated in *Hansard* without my reading it.

Leave granted.

This Bill amends The Uniting Church in Australia Act 1977 (the Act), at the request of the Uniting Church, to remove the age restriction in section 11(4) on appointment of members of the Uniting Church in Australia Property Trust (South Australia).

The Act facilitated the formation of the Uniting Church via union of the Methodist, Congregational and Presbyterian Churches. It established the Trust and provided for the vesting of property in the Uniting Church.

Part III of the Act provides for the constitution of the Trust, to consist of eight members, being persons holding specified positions in the Church and others appointed by the Church.

Section 11(4) of the Act states: 'No person who has attained the age of seventy years shall be eligible for appointment as a member of the Trust'.

This age restriction is outdated and no longer reflects the values of the Uniting Church or society's expectations regarding age and volunteering.

The Bill deletes section 11(4) from the Act.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *The Uniting Church in Australia Act 1977*

3—Amendment of section 11—Constitution of Trust

This clause deletes section 11(4) of the Act which provides that a person who has attained the age of 70 years will not be eligible for appointment as a member of the Trust, and makes a consequential amendment to section 11(3).

Debate adjourned on motion of Hon. J.M.A. Lensink.

At 16:37 the council adjourned until Tuesday 12 May 2015 at 14:15.

Answers to Questions

MEDICAL CANNABIS

In reply to **the Hon. K.L. VINCENT** (17 June 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Mental Health and Substance Abuse has received this advice:

In South Australia, cannabis is a controlled drug under the Controlled Substances Act 1984. While the production, sale, possession or use of cannabis is illegal in South Australia, court action and a potential criminal conviction can be avoided for minor offences (i.e. possession, use or cultivation of small amounts of cannabis) by payment of an expiation fee.

The South Australian Government takes the view that cannabis is not a harmless drug. The available evidence highlights the long-term harmful effects of cannabis use, including increased risk of respiratory diseases associated with smoking (including cancer), dependence, decreased memory and learning abilities, decreased motivation in areas such as study, work or concentration.

While there is a growing body of evidence for therapeutic benefits from cannabis, including antispastic, analgesic, anti-emetic, and anti-inflammatory actions, the therapeutic use of cannabis and products derived from cannabis is still experimental. Smoking as a route of administration is problematic for medical treatment, with the risks of respiratory harm from smoking outweighing potential benefits of use for medical conditions.

The Government is committed to ensuring medicines available in South Australia are safe and effective, and that they do not cause unintended harm to patients or their families. For cannabis to be used therapeutically, more research is required into its efficacy for particular conditions, as well as methods of delivery, to avoid the harms of smoking and to control the psychoactive effects.

The Council of Australian Government Health Ministers agreed at its meeting on 10 October 2014 to work collaboratively to share knowledge and information on issues relating to the use of appropriate therapeutic products derived from cannabis for medicinal purposes. New South Wales has announced its intention to undertake clinical trials of medical cannabis. The South Australian Government supports the New South Wales trial and will cooperate as required.

Responsibility for the assessment and approval of medical cannabis for therapeutic purposes in Australia rests with the Australian Government's Therapeutic Goods Administration (T.G.A.), which is responsible for assessing and registering pharmaceutical preparations and products for medical use in Australia, based on standards of quality, safety and efficacy. The T.G.A. carries out a range of assessment and monitoring activities to ensure that any drug or substance used for therapeutic purposes should be safe, of high quality, and reliable in terms of both dose and effect. Any trial involving cannabis will need to be conducted under T.G.A. auspices.

On present evidence, pharmaceutical cannabis treatments will only be appropriate for a very restricted group of eligible patients in specific circumstances, and under the supervision of medical practitioners with suitable expertise. Those patients would necessarily be people with severe and distressing symptoms that are not able to be relieved by existing medications.

I am advised that some synthetic cannabis products are currently included on the Australian Register of Therapeutic Goods, meaning they are available for medicinal use. One such product, Nabiximols (Sativex®) is administered as an oral spray, which avoids the harms of smoking. In addition to delta-9-tetrahydrocannabinol, Sativex® contains another compound, cannabidiol, which balances some of the psychoactive effects of THC, and is thought to be important in the therapeutic effects of cannabis.

Clinical trials have been conducted on the effectiveness of Sativex® for conditions such as multiple sclerosis and pain relief in terminal cancers. Sativex® is registered for therapeutic use in Australia and was included on the Australian Register of Therapeutic Goods on 26 November 2012, but can only be prescribed by medical practitioners under the TGA Special Access Scheme. The synthetic cannabinoids Nabilone (a synthetic cannabinoid used for treatment of anorexia and for its antiemetic effects—e.g. in cancer patients receiving chemotherapy); and Dronabinol (synthetically produced pure THC used in multiple sclerosis and pain patients) are scheduled by authorities for medicinal use in Australia.

The use of products such as Sativex®, Nabilone and Dronabinol have many advantages over smoked cannabis, not least being the very clear separation of therapeutic and illicit use. However, it remains a clinical decision as to whether such products are prescribed.

STUDENTS, DISABILITY

In reply to **the Hon. K.L. VINCENT** (3 July 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Education and Child Development has received this advice:

Irrespective of whether a student has a disability, as part of their Emergency Management procedures, schools communicate to both parents and students on plans they have in place to reduce and manage risks before, during and after an emergency.

A system is in place to ensure school staff regularly reflect on having the correct level of care in place for all students. This includes a checklist designed to facilitate the development and review of the Emergency Management Plan, as well as timely reminders from the Chief Executive (and senior management) to continually re-assess them.

Principals work to ensure emergency planning not only considers facilities and location, but also the specific needs and abilities of all students, especially those with disabilities. Arrangements are rehearsed within routine emergency drills across schools. The Department ensures additional resources, instruction and support is available for any principal to update or modify their Emergency Management Plan.

When appropriate, staff members are also pre-assigned to each special needs student to ensure they receive adequate care and instruction during an emergency situation.

Schools located in bushfire prone areas are afforded a 'risk rating' commensurate with their location. Those schools deemed to be most at risk are also required to annually submit Bushfire Response Plans. As well as focusing on issues relevant to the entire school community, specific considerations are made for managing the needs of vulnerable students, including those with a disability.

Each of these plans is reviewed by Central Office for compliance and to ensure that all aspects of emergency management are properly considered. Unsatisfactory or incomplete plans are returned to schools for correction and resubmission.

Building disaster resilience in all students through education is an important focus for schools and has been reflected as part of the national curriculum.

I am also advised that the results from the survey are not a clear representation of the situation in South Australian schools. In 2011, this survey was returned by 18% of the 450 schools canvassed across South and Western Australia.

With the majority of the State's student population located in the metropolitan environment, many schools do not need to have a dedicated Bushfire Response Plan. Subsequently, those schools that participated in the survey have advised that they do not have a specific bushfire plan. The data implies that these schools have not made suitable plans for students with disabilities, when in reality all they have done is indicate that they do not have a strategy in place for a particular emergency that may not be relevant to a school's individual circumstances.

The Government has also adopted a system of review for every school that has to close due to catastrophic bushfire conditions being declared. It is important that we continually look at how we can respond to this very real risk. This is why if a school is closed under such conditions, its leadership team and school community will be surveyed, so long as they have not endured a school closure in the previous 12 months. This is an important step to improve if it is determined our processes could be better managed.

TEACHERS REGISTRATION BOARD

In reply to **the Hon. K.L. VINCENT** (16 September 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Education and Child Development has received this advice:

On 13 April 2013, the State Government announced changes to the existing screening process in relation to fitness and propriety undertaken by the Teachers Registration Board. Since 2014 all applicants for registration, including renewals and Special Authorities to Teach are assessed under an enhanced screening process using information collected by Families SA together with a National Police History Check.

The Teacher Education Taskforce, which includes representatives from all education sectors in SA, South Australian tertiary institutions and the Teachers Registration Board (TRB), met in May and September of 2014 to discuss child protection in relation to initial teacher education programs. It has been agreed that the Taskforce will take a proactive approach ensuring the child protection curriculum is being included/integrated into all initial teacher programs. Teachers seeking to work in South Australian government schools, regardless of gender, are required to gain a criminal history screening clearance and complete training that addresses the mandatory notification responsibilities of those working in education and care settings.

Although any teacher who has been found guilty of unprofessional conduct is a serious matter, the nine cases reported in 2013 need to be put in perspective. In 2013, there were 10,112 male teachers registered by the TRB SA. Nine of these male teachers were found guilty of unprofessional conduct or 0.00089% of the male teaching workforce. Over 99% of the SA male teaching workforce proved competent and professional in their teaching practice.

South Australia, in 2013, had the highest percentage of male teachers (29%) in government schools compared to the national average (26%).

NATIONAL SCHOOL CHAPLAINCY PROGRAM

In reply to **the Hon. D.G.E. HOOD** (16 September 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Education and Child Development has received this advice:

Correspondence has been received from concerned parents providing their examples of proselytising—particularly proselytising by Schools Ministry Group (SMG) Christian Pastoral Support Workers. The Chief Executive of my department, Mr Tony Harrison, met with the Executive Director of SMG, Ms Angela Jolly, in 2014 to remind her that proselytising in public schools was unacceptable.

On 11 November 2014 the former Minister for Education and Child Development signed the new Commonwealth project agreement for the National School Chaplaincy Programme on behalf of the Government of South Australia. Under this agreement, all persons engaged to provide pastoral care must be able to provide the following:

- Evidence that they are recognised and supported by their school community;
- Evidence of ordination, religious qualification or endorsement by an accepted religious organisation; and
- Evidence of academic qualifications that meet the program requirements.

A cross-sector panel has been established to determine how the programme will be administered in South Australia, including how the project funding of $7.49 million per annum will be shared between the schooling sectors.

Schools have applied for funding and funds will be allocated to successful schools as soon as practicable upon receipt of South Australia's funding allocation under this program from the Abbott Government.

POLICE STAFFING

In reply to **the Hon. J.A. DARLEY** (29 October 2014). (First Session)

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): The Minister for Police has advised:

1. A comprehensive review of Prosecution Services Branch staffing was undertaken in 2013. The review did not make any recommendations to either increase or decrease the number of prosecutors but recognised the increasing complexity of the environment.

2. In response to the review, a 12 month pilot commenced on 3 November 2014 where three experienced solicitors employed pursuant to the Public Sector Act 2009 are working alongside police prosecutors. This added element will add to the required level of capability, experience and expertise within the Branch.

HOUSING SA

In reply to **the Hon. M.C. PARNELL** (30 October 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Social Housing has received this advice:

1. Asbestos management in South Australia comes under the Work Health and Safety Regulations 2012, which does not require asbestos registers for domestic residential properties. This includes Housing SA properties. Housing SA is therefore unable to determine how many properties contain asbestos.

2. None of the Housing SA properties that are currently vacant were vacated specifically due to the presence of asbestos.

3. All work on a Housing SA property must be undertaken by Housing SA Maintenance Contractors, or following Housing SA approval. In this way, any work on properties built prior to 1990 can be closely monitored. Where a risk is identified, the Maintenance Centre will undertake asbestos testing. In addition, maintenance works on preparing vacant properties for re-letting may include removal of asbestos products.

4. Under the Relocation Guidelines, Housing SA may require a tenant to relocate if it is determined that the condition of their property poses a risk to their health or safety. Housing SA may also temporarily relocate a tenant if it is impractical and/or unsafe for maintenance work to be carried out while their property is occupied.

If the estimated time to complete the work is five working days or less, Housing SA will offer the tenant assistance into motel/caravan park accommodation if they are unable to arrange alternate accommodation themselves. Housing SA will pay the base room rate or base van/cabin hire fee.

If the estimated time to complete the work is greater than five working days, Housing SA will arrange for the tenant to be temporarily relocated to an alternate Housing SA property. In either case, Housing SA will arrange for the tenant's furniture/goods to be removed and stored, if necessary.

5. For prospective purchasers, specific information regarding the possible presence of asbestos is not provided to the purchaser; however:

- all sales agreements contain information relating to asbestos management. During the preparation for sale of properties any broken/damaged asbestos is safely removed and the area made good

- all properties offered for sale 'as is' have an independent building inspection completed and made available for customers to review.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (11 November 2014). (First Session)

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

For the purposes of counting a training place for the 100,000 extra training places target, one training place equates to a course enrolment.

FREE-RANGE EGGS

In reply to **the Hon. T.A. FRANKS** (18 November 2014). (First Session)

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

The draft industry code proposes that:

- the eggs are laid in South Australia; and
- packaged in South Australia; and
- the producers business or headquarters are in South Australia; or
- the egg producer has more than 30 per cent of its business operations in South Australia; or
- the egg producer can demonstrate a substantial relationship with the State of South Australia.

I must emphasise that the draft industry code is still subject to final consultation and approval by IP Australia and the ACCC.

ALMOND INDUSTRY

In reply to **the Hon. J.S. LEE** (18 November 2014). (First Session)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Agriculture, Food and Fisheries has received this advice:

1. The current Government has been in ongoing discussions with the Almond Board of Australia over the development of a new national Almond Centre of Excellence in South Australia for over a year.

2. Recently, the South Australian Government offered the Almond Board of Australia the use of the Loxton Research Centre, along with access to research staff and services, and assistance in accessing a suitable site to build the new Almond Centre of Excellence.

3. On 29 October 2014, soon after the offer by the South Australian Government was made, the then Victorian Government announced, if re-elected, they would expand horticulture research capacity at Irymple to establish the Australian Almond Centre of Excellence, with an investment of $12 million for capital works and development of research programs to support Victoria's fastest growing horticulture sector.

We are all now aware of the outcome of the Victorian election. The South Australian Government is happy to continue discussions with the Almond Board of Australia, as we believe a new facility at the Loxton Research Centre will help the Australian almond industry to expand and meet its current export demands.

MACULAR DEGENERATION

In reply to **the Hon. K.L. VINCENT** (11 February 2015).

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): I have been advised:

'Wet' and 'Dry' are terms applied to late stage Age-related Macular Degeneration (AMD). Wet AMD requires expensive monthly injections, whereas there is no current treatment for Dry AMD.

The research trialling Ellex Medical's Retinal Rejuvenation Therapy is targeting the early stages of AMD, for which there is no current treatment available. If the trial is successful, it will have the potential to delay the progression of the disease and thereby reduce the massive burden of treatment to patients, their families, and the whole health care system