

**LEGISLATIVE COUNCIL****Wednesday, 13 May 2015**

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

*Parliamentary Committees***LEGISLATIVE REVIEW COMMITTEE**

**The Hon. G.A. KANDELAARS (14:17):** I bring up the seventh report of the committee.

Report received.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

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

SACE Board of South Australia—Report, 2014

Determination of the Remuneration Tribunal No. 1 of 2015—Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioner

*Ministerial Statement***FEDERAL BUDGET**

**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) (14:18):** I table a copy of a ministerial statement made by the Treasurer, Tom Koutsantonis, in relation to the federal budget.

*Question Time***CHINA TRADE**

**The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19):** I seek leave to make a brief explanation before asking the Leader of the Government a question about South Australia's economic benefit from trade missions into China.

Leave granted.

**The Hon. D.W. RIDGWAY:** Recently, there has been a great deal of Labor government fanfare about the upcoming super mission—

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

**The PRESIDENT:** The Hon. Mr Maher; totally unnecessary! The Hon. Mr Ridgway.

**The Hon. D.W. RIDGWAY:** Can we have him tested? I think he has been on something, Mr President—fanfare about the upcoming super mission to China and Hong Kong. It's reported that some 250 people will attend. A number of them, including the minister opposite, are state government members who will be paid for by the taxpayers.

Minister, in 2012, I think you made your first ministerial visit to China. Shortly thereafter, in September 2012, you said that two South Australian produce centres would be open within 18 months, one in Nanping and one in Zhangzhou. In estimates last year, some two years after you made the announcement, the now minister confirmed that neither centre had been completed, so there was no South Australian produce being sold to people in China.

In August that same year, you boasted, minister, that you had signed an MOU with the Fujian government. Again, in estimates last year, the now minister could not confirm that one single Fujian-South Australian business arrangement had been entered into as a result of the MOU nor quantify any dollar value that it had had for South Australian producers.

It is said that the upcoming delegation will engage in targeted activities which ultimately will advantage South Australian companies, institutions and organisations striving for deeper engagement with China. It is difficult for us to presume what outcomes there might be, given that no itinerary has been made available to the opposition.

Certainly, the advice I have gained from other state government officials in places such as Shanghai, where I was last week on a visit, is that these super missions are simply a photo opportunity for the Premier and his ministers and that they are quite frustrated with the amount of work they have to put together. In fact, they often have to run around for the weeks and months before, signing up deals so that there is actually something tangible for the Premier and minister to sign, but the deal has already been done. My questions to the minister are:

1. As a previous minister who has supposedly done some leg work in forming these relations with China and the third most senior member of the state government who is going to attend this super mission, can the minister tell us which MOUs the government is aiming to sign while on this trip?

2. Given the government's track record, of which she has been an active part, of not delivering quantifiable benefits to South Australian producers or to our economy as a whole as a direct result of these trips, and the activities and the associated expenditures that have ensued, how can taxpayers or this parliament have any confidence that the upcoming trip will deliver anything for South Australia that has not already been agreed prior to the minister's and Premier's visit?

**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) (14:21):** I thank the honourable member for his question. I find it fascinating that the honourable member can stand there, with the hypocrisy obviously implied by his question, and justify taxpayers paying for his trip to China but no-one else's. Absolute hypocrisy! He has only just returned himself, so you would think that he would fully understand the importance of these international missions. But, no, he can justify taxpayers footing his trip to China, but not mine or anyone else's. It shows such absolute naivety. He clearly doesn't understand the intricacies of being in government, and that's probably because he has never been in government and completely lacks any experience whatsoever. These missions are extremely important for continuing to grow and develop our relationships. China, we know, is—

*Members interjecting:*

**The PRESIDENT:** Order! The minister is on her feet trying to answer the question. Minister.

**The Hon. G.E. GAGO:** China, we know, has a strong economy and is a very important export market for South Australia. It is important in terms of our food and wine and our other produce and, in relation to my portfolio, it is a key market in terms of international education. China is one of our largest international markets here in South Australia. Indeed, I have spent a great deal of time in China, Malaysia and India, which are also key players in our market. I have spent a great deal of time forging relationships there and progressing opportunities to advance particularly international education here in South Australia. We know that international education contributes a large component to our economy, and there is great potential for that to continue to grow.

For instance, during my recent trip to India and Malaysia, we signed an MOU with the TAR University College, Tunku Abdul Rahman University. That was signed with TAFE SA and it is teaching with one of the institutes there. The MOU provides a great opportunity for TAFE to train Malaysian students and VET teachers, resulting in increased training export activity.

There is also a great opportunity for TAFE SA to provide learning materials, guides and assessments that could be used through licensing arrangements. TARC students and staff could undertake intensive study tours here in South Australia, which they were extremely interested in, and there is an opportunity for train the trainer programs as well.

I also had the opportunity to witness a signing between Kalyani Skills and TAFE SA. Kalyani is an arm of the giant engineering company Bharat Forge Limited. That will see South Australia working with the Kalyani Skills to help develop an industry-ready workforce for India. They have set themselves large training targets for India. They are not able to fulfil those training targets domestically and they are clearly looking for international partnerships to assist them to increase the skilled labour force needs of their country.

TAFE SA's considerable expertise in developing vocational education can help Kalyani Skills to deliver training in areas including engineering, transport, electrical, electronics building and construction. Proposed activities could also include training and assessment resources, guidance and advice to set up frameworks of delivery, teaching and so forth.

I was also pleased to see a partnership commitment between the NSDC here and TAFE SA. The MOU there has the potential to establish a new vocational training college. They are actually planning to build a new vocational college that could train 80,000 students a year within a decade. Obviously, there is a clear opportunity there for TAFE to be able to expand its expertise offshore, and as a result that agreement would have a significant economic impact.

On this side of chamber we do not sit here and whinge about the challenges that we have ahead. We actually get off our tails and get out there and do something about it. These are just a handful. I could go on for the whole of question time outlining the sorts of positive outcomes that I have achieved through these international engagements, some more successful than others. I am very pleased to say that a great deal has been achieved and we continue to develop those relationships and look for opportunities to grow our markets here. Of course, that means jobs here in South Australia, and that is what our aim is.

In terms of this upcoming visit to China, there will be some very important engagements right across the delegations. My itinerary is still being finalised, but I am happy to talk about the details of that once we have been able to finalise them. There will be many exciting announcements, and I look forward to coming here to give information to this place on the successful outcomes that I have been able to bring about during this trip.

#### **WATER TRANSPORTATION SCHEME**

**The Hon. J.M.A. LENSINK (14:29):** I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray on the subject of irrigation water.

Leave granted.

**The Hon. J.M.A. LENSINK:** Honourable members would have welcomed the government announcement last week of a fulfilment of a Liberal Party promise to provide the Clare Region Winegrape Growers Association as a trial for third-party access to reduce their irrigation water. The association president, Mr Troy Van Dulken, was quoted on radio—or should I say the wireless—as saying that the price would be about a third cheaper due to the use of night-time transportation. It has taken some two years of negotiation with SA Water. My questions for the minister are: is he aware of other irrigation districts or groups of growers who also would be interested in this sort of scheme, and is he able to advise what the status of any of those proposals might be?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:30):** I thank the honourable member for her most important question. Whether you live in Clare or Adelaide or McLaren Vale or, indeed, the Riverland, everyone pays the same price per kilolitre for the water that SA Water supplies regardless of the cost of supplying that water. That is a debate we have had in this case previously.

We understand that the Liberals—those opposite—and some of their fellow travellers in this place want to actually drive up costs for people living in country South Australia, but the government continues to push back on those calls from the Liberal opposition, and whilst we are on this side of the chamber we will continue to do so.

I am also pleased to acknowledge, in the preamble of the honourable member's question, that indeed we have fulfilled a former Liberal Party promise. The fact is, of course, the Liberals never

do. They make promises in the lead-up to elections and never fulfil them. They abrogate them; they fudge.

**The Hon. J.M.A. Lensink:** Well, it's a bit hard when you're in opposition.

**The Hon. I.K. HUNTER:** Yes, indeed—winning an election would help, but even when they are in government we understand, of course, that the Liberals make all these promises and have no intention of carrying them through, but Labor is different. Indeed, when we see a good idea, wherever it comes from, if it is the Liberal opposition's, then indeed we will continue those too—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. I.K. HUNTER:** —but our invitation to the opposition to embrace us and work with us is often left in abeyance, unfortunately. This statewide pricing system, which I said we will adhere to, is considered the most equitable way to spread the cost of providing and maintaining basic water facilities across our community. SA Water does offer an off-peak transportation service where the customer utilises SA Water's infrastructure to transport water to their property. These customers usually hold a River Murray water licence and the off-peak means that, in fact, they can get cheaper electricity for pumping at the time.

Ordinarily the off-peak water transportation supply season operates from 1 April to 31 October or 30 November of each year, depending on the seasons or seasonal demand. Sometimes it begins on 1 May, I am told. These off-peak transportation services are an example of SA Water's actively working with customers to explore opportunities for economic development, and we have been working, as the honourable member noted, with the Clare Region Winegrape Growers Association to explore the opportunities to supply water via third-party access arrangements during the peak summer season. Of course, that's the time when water supplies are under peak demand.

SA Water have met with representatives of the association and have presented an indicative commercial structure proposal for the association. A number of meetings have been held between the representatives of the association and SA Water to discuss various proposals and counterproposals, and I understand that SA Water and the association have now reached agreement regarding transportation terms and conditions.

I understand that the draft agreement has been circulated and a joint information session was held on 30 April with SA Water, the association and irrigators to present details of the agreement, and we will continue to work with the association towards achieving signed individual agreements with irrigators by 1 July, which I understand is the date, with a view to the scheme commencing operation on 1 December 2015.

These negotiations are an excellent example of SA Water working closely with customers to explore opportunities for economic development and, where there is capacity in SA Water's pipe system, I have encouraged them to go off and talk to local communities about whether they want to replicate this situation and, when we have some positive feedback about that, I will update the house.

#### **WATER TRANSPORTATION SCHEME**

**The Hon. J.M.A. LENSINK (14:34):** A supplementary, bearing in mind that the actual question I asked was: has the minister been approached by any other irrigation areas for a similar deal?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:34):** And I answered that question in my last paragraph.

#### **WATER TRANSPORTATION SCHEME**

**The Hon. R.L. BROKENSHERE (14:34):** A supplementary: can the minister confirm whether he, his department or the local member for Mawson have offered this opportunity to the McLaren Vale irrigators who have mains irrigation, because they are destitute when it comes to the cost of water currently?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:35):** I can say to the honourable member his question is very similar to the Hon. Michelle Lensink's supplementary, and I answered that in the last paragraph of my explanation.

*Members interjecting:*

**The PRESIDENT:** Order!

### SKILLS FOR ALL

**The Hon. S.G. WADE (14:35):** My question is to the Minister for Employment, Higher Education and Skills. Given the widespread concerns, why did the ACIL Allen evaluation of the Skills for All program fail to analyse the financial performance of the program and the financial impact on registered training organisations?

**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 had trouble hearing that, I am sorry, Mr President.

**The PRESIDENT:** Could you please do it again, Hon. Mr Wade?

**The Hon. S.G. WADE:** Perhaps if she wasn't interjecting she might be able to listen better. Given the widespread concerns, why did the ACIL Allen evaluation of the Skills for All program fail to analyse the financial performance of the program and the financial impact on registered training organisations?

**The Hon. G.E. GAGO:** I thank the member for his important question. The ACIL Allen evaluation looked at the key objectives of Skills for All and evaluated the scheme's ability to meet those, and it did that within the parameters of the objectives of Skills for All. It is a fairly comprehensive report. It is publicly available. If the honourable member has any other particular queries, I am happy to take those on board.

### CATALYST RESEARCH GRANTS

**The Hon. J.M. GAZZOLA (14:36):** I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about the latest round of Catalyst Research Grants.

Leave granted.

**The Hon. J.M. GAZZOLA:** Australia has an ageing research workforce, creating the potential for a shortfall in the number of researchers needed to undertake cutting-edge research and with the skills required by industry. Minister, will you inform the chamber of how the government is supporting South Australian early career researchers?

**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) (14:37):** I thank the honourable member for his most important question. Indeed, I recently received advice in relation to successful applicants from the latest round of Catalyst Research Grants. I am pleased to inform those present that seven South Australian early career researchers have received a total of just under \$200,000 in financial support from the government.

The Catalyst Research Grants program forms part of the Premier's Research and Industry Fund. It provides funding to support South Australian early career researchers to work on scientific and technological research projects in collaboration with an industry partner or an end user such as a non-profit community group. This provides the next generation of research leaders with industry-relevant experience.

There are a wide range of projects being funded this round, and I obviously will not go into all of them, but I would like to give members present a sense of the important projects that are being undertaken and a bit of a flavour for just what is going on at this level. Dr Megan Sheldon from Adelaide University is developing a new way of screening wheat for salt tolerance. Dr Mikael Larsson

from UniSA is developing a device for purifying copper contaminated water. Dr Harriet Whiley from Flinders University is researching salmonella bacteria in relation to storage of commercial eggs.

These are, as I said, just an example of some of the projects. These are important research projects that will contribute greatly to South Australia's commercial economy, not only by assisting their industry partner to innovate but also through the potential to export that research. The grant funding provided under this program often supports our early career researchers to leverage significant commonwealth funding, not that there is much of that left these days.

We see this recent federal budget that has been handed down deliver yet another shocking blow to science and research. This has happened in successive budgets. We can see that the federal government's commitment to research is clearly waning. There are cuts of \$26.8 million over four years from 2015-16 through reduced funding for the CRC centres and, of course, six of those are headquartered here in South Australia. They are very important to this economy. But I won't digress; I will get back to these very important awards.

One example is our \$30,000 investment in early career research. Dr Danielle Moreau at the University of Adelaide is studying flow-induced noise created by airplanes, wind turbines and submarines with a view to designing a submarine with a low acoustic signature. This small, but significant, state investment has leveraged \$345,000 in ARC grant funding.

Another fascinating example is Dr Chia-Chi Chien. She is an early career biomedical engineer at UniSA and her project is to develop the technology that will deliver nanomedicines into cancer tissue. The government invested \$30,000 to assist Dr Chien to win \$375,000 in ARC grant funding.

There are many other examples of how amazing our research scientists are, and it is gratifying that their brilliance has received recognition through funding which will continue to grow our research capacity and promote collaboration across industry and research institutions. Science and innovation are key priorities of this state government and will help keep our state as a place where people and business thrive.

### COUNCIL RATE CONCESSIONS

**The Hon. M.C. PARNELL (14:42):** I seek leave to make a brief explanation before asking a question of the Minister for Employment, Higher Education and Skills, representing the Treasurer, on the subject of pensioner council rate concessions.

Leave granted.

**The Hon. M.C. PARNELL:** On 18 January 2012, the then treasurer Jack Snelling met with the president of the Local Government Association. On the agenda was the issue of state funding for council rate concessions for pensioners. In particular, the councils wanted the \$190 payment indexed because it had not been increased in 11 years, and I note that it still hasn't changed for 14 years.

As is normal in these situations, a briefing note from the Treasury Department was provided to the Treasurer. Part of the briefing note was to respond to a review of concessions undertaken on behalf of the LGA by the South Australian Centre for Economic Studies. That review recommended an increase in concessions for pensioners on their council rates. In that briefing note, which I point out I obtained under the Freedom of Information Act, there are a number of statements that make it pretty clear that the view of Treasury was that the state government should not be paying anything towards pensioner rate concessions. To quote the briefing note:

The need for State Government to provide a concession on Council rates is questionable.

The briefing goes on to advocate that local councils should be providing the concession payments themselves because they are the ones who set the rates. Today the Local Government Association in its response to the federal government said:

...no reinstatement of Federal funding for concessions to the State now meant the question of Council rates concessions lay totally with the South Australia Parliament.

My questions of the minister are:

1. Was it always the government's intention to abandon council rate concessions for pensioners, even before the commonwealth government made its mean-spirited decision last year to cut funding for concession programs?

2. Will the government now reassure South Australian pensioners that the state government-funded council rate concession will remain past 1 July 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) (14:44):** I thank the honourable member for his most important questions and will refer those to the Treasurer in another place and bring back a response. I have to say, it was a very sad and sorry day to see this latest federal Liberal budget come down, a very sad day indeed. We recall that last year's federal budget, without consultation and warning, ripped \$898 million from South Australia's hospitals, schools and pensioners over a four year period.

**The Hon. D.W. Ridgway:** You've already tabled that—you don't need to read it back to us.

**The Hon. I.K. Hunter:** Oh, I think you need to be reminded.

**The Hon. G.E. GAGO:** Obviously they need to be reminded, because they fail to see the enormity of the damage that has been done; it was a missed opportunity. The federal Liberal government failed to overturn cuts to health—

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

**The PRESIDENT:** The Hon. Mr Stephens, allow the minister to answer the question in silence.

**The Hon. T.J. Stephens:** If she tells the truth.

**The PRESIDENT:** She will answer it the way she sees fit.

**The Hon. T.J. Stephens:** Oh, so the truth is optional?

**The PRESIDENT:** She is doing what she is required to do; let her do it in peace.

**The Hon. T.J. Stephens:** Yep, any rubbish, that's fine.

**The Hon. G.E. GAGO:** On a point of order, Mr President: the Hon. Terry Stephens is suggesting that I am not telling the truth, which is an incredibly unprofessional thing to say. I believe I am owed an apology, and I ask him to withdraw those comments.

**The PRESIDENT:** The Hon. Mr Stephens, the minister has a point there: it is unparliamentary to refer to someone as a liar.

**The Hon. T.J. Stephens:** I never suggested that.

**The PRESIDENT:** Well, what did you say?

**The Hon. T.J. Stephens:** I said she is not telling the truth.

**The PRESIDENT:** Well, I think it is important that, when the minister is on their feet answering a question, there are no throwaway lines from anyone about her not telling the truth. It is a very serious offence to mislead parliament. The minister is giving an answer, and I think it is totally uncalled for to indicate that the minister is not telling the truth. So, I think it is important. Minister.

**The Hon. G.E. GAGO:** So I will remind honourable members that last year's federal budget ripped out \$898 million—\$898 million! I know that this makes the honourable members opposite me squirm. It makes them very uncomfortable, and you can tell by the way they squeal like stuck pigs, but that is the truth—

*Members interjecting:*

**The PRESIDENT:** Minister, let's try to keep the reference—

**The Hon. G.E. GAGO:** It is the truth, Mr President—

**The PRESIDENT:** —or analogy with animals to a minimum.

**The Hon. G.E. GAGO:** —\$898 million from South Australian hospitals, schools and pensioners over four years. They obviously need to be reminded of that truth, that real truth, that \$898 million was ripped out of our economy by the federal Liberal government over that four-year period. What a tragic missed opportunity. We see that this budget failed to overturn cuts from health and education, failed to overturn cuts to our pensioners' concessions—\$126.8 million over four years, failed to provide additional support for our automotive industry, which we know is facing significant challenges there—no further assistance. They have completely deserted South Australia and failed to guarantee the future of our submarines here.

What do we get from members opposite? Here we have this shocking lack of responsibility towards South Australia. We see the federal Liberal government flinging cash up north and to the Eastern States, but failing to consider the real and pressing needs here in South Australia. What do we hear from the South Australian Liberal Party? Nothing! Nothing at all; there is complete silence!. There is no support whatsoever for struggling South Australians, no support at all for our pensioners and their right to have concessions, none at all. We see that they have completely absolved themselves of any responsibility—

**The Hon. I.K. Hunter:** Heartless.

**The Hon. G.E. GAGO:** Completely heartless, and they have failed to stick up for South Australians.

#### INDUSTRY LEADERS GROUPS

**The Hon. J.S.L. DAWKINS (14:49):** I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills questions regarding the government's industry leaders groups.

Leave granted.

**The Hon. J.S.L. DAWKINS:** In answers to questions raised by members in this place on two occasions last week, the minister highlighted the establishment by the Department of State Development of 15 industry leaders groups, which apparently have been established to, and I quote from the minister's answer:

...help government understand and respond to the workforce challenges experienced by industry and employers in each of the different regions.

The minister went on to state in her next answer that the former Skills for All program, which these groups, along with the WorkReady program, will replace was, and I quote:

The Skills for All model was a demand-driven model. Basically, people who wanted training could come in and subsidised training was made available for them.

Under WorkReady...We have set up industry leaders' groups to help us, so there are now more of those with key industry people on them who help us align more directly with industry outcomes...You can see that we have learned a great deal from Skills for All.

Given that, my questions are:

1. Will the minister advise the council where the 15 industry leaders groups are based and how they relate to the government's own regions?
2. Will the minister also advise the council who selected the members of these groups and who was responsible for appointing the chairs of the groups?
3. Will the minister advise the council how often these industry leaders groups are meeting and whether the members are paid?
4. Will the minister explain how the establishment of these 15 new groups fits in with the state government's recent actions to cut down on the number of government boards and committees in South Australia?

**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) (14:52):** I thank the honourable member for his most important question. Indeed, our industry leaders groups and the work we have done, particularly in



relation to our Skills for Jobs in Regions program and now under WorkReady, will evolve and be developed into a jobs first program, in which our industry leaders groups will continue to play a really important role in helping us to understand the industry needs of regions and help to communicate that with our training outcomes. There are currently 15 industry leaders groups, roughly one per region, I understand. There are some additional ones as well, but it is roughly one per region and where they are needed—

**The Hon. J.S.L. Dawkins:** Well, I would like you to explain that.

**The Hon. G.E. GAGO:** Well, I am happy to provide that information. They are generally driven by industry and business groups that identify a regional need and come together to respond to that regional need. So they roughly reflect the regions, but what they do is they reflect locality requirements. We are happy for them to be developed wherever business groups and industries determine a need could be fulfilled, and we encourage that. It should be driven from the ground up, not from the department down.

Our regional officers are the ones who have coordinated these leaders groups. I think that is also in consultation with RDAs, local councils and other business and industry organisations. In terms of their appointment, I think it is self-selecting, but I am happy to get the details of the questions asked by the honourable member and bring those back. But my understanding is that it is pretty much self-selecting; that is, those industry people who believe that they have something valuable to contribute join up.

My understanding is the frequency of the meetings is as frequently as they determine and that they are useful. In terms of payment, I am not sure whether there is any assistance with the transport costs and such like. They don't come under our boards and committees so they don't receive payment in that respect. As I said, I am happy to check all the details of the questions asked and my responses and bring back a response.

I will take this opportunity to say that these are very important groups. The government very much values the contribution they make. They are, as I said, local businesspeople and without their on-the-ground knowledge and understanding of what's going on in the regions it would make our job much more difficult in ensuring that we have the skilled labour force needs appropriate to each regional location.

#### INDUSTRY LEADERS GROUPS

**The Hon. J.S.L. DAWKINS (14:55):** Will the minister confirm that her reference to these groups being self-selecting means that anybody who put their hand up to be on that group would be accepted?

**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) (14:56):** As I said, Mr President, I am happy to bring the details back, but my understanding is pretty much that it is self-selecting, but I will double-check that.

**The Hon. J.S.L. Dawkins:** That would be bizarre.

**The Hon. G.E. GAGO:** The honourable member says that's bizarre. I find it incredible. These are business interests and industry interests in regions that drive an outcome. This government is often accused of being very heavy-handed and very bureaucratic, and when we actually encourage businesses to get together in a way that is meaningful and meets their own local needs the honourable member criticises.

I think the opposition just want to have a good whinge here today. They are just whingeing. They are obviously incredibly embarrassed about their federal Liberal colleagues, terribly embarrassed about the federal Liberal budget that rips the heart and soul out of South Australia and leaves us high and dry, They are clearly incredibly embarrassed and are coming here today, having a good old whinge and calling us names.

### WATCHALUNGA NATURE RESERVE

**The Hon. G.A. KANDELAARS (14:57):** My question is to the Minister for Sustainability, Environment and Conservation. Can the minister inform the chamber about the official opening of Watchalunga Nature Reserve and its importance to the local ecology?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57):** I thank the honourable member for his most important question. Recently, I had the pleasure of officially opening the Watchalunga Nature Reserve. The land was purchased by Nature Foundation SA as part of their ongoing efforts to preserve and protect native flora and fauna.

Watchalunga comprises approximately 92 hectares, I am advised, of low lying Fleurieu Peninsula swamp at the mouth of the Finniss River. It makes up quite a significant part of the approximately 500 hectares of the remaining Fleurieu swamp area in South Australia that is listed as a critically endangered ecological community under the Environment Protection and Biodiversity Conservation Act (EPBC Act) of the federal government (the commonwealth). It is also located within the Coorong, Lake Alexandrina and Lake Albert Ramsar site.

I am sure that everyone in this chamber will be aware of and very proud of the work undertaken by Nature Foundation SA, with a long established and productive working partnership with the state government aimed at protecting South Australia's natural biodiversity. The foundation and the Department of Environment, Water and Natural Resources have collaborated in the past to purchase land at Boolcamatta, Witchelina, Hiltaba, Cygnet Park and South Buckland Lake. This year, Nature Foundation SA is supporting DEWNR in the purchase and protection of land adjacent to Carpenter Rocks Conservation Park in the South-East.

The purchase of these land areas contributes to the government's strategy of expanding South Australia's protected areas to improve the long-term sustainability of our environment. Nature Foundation SA plays a very significant role in saving, protecting and restoring South Australia's natural biodiversity by purchasing and managing land of significant conservation value and restoring it to a more natural state. In this way, Nature Foundation protects threatened species, builds wildlife corridors and provides a base from which scientific studies can be undertaken.

The organisation has independently purchased and will manage Watchalunga—a beautiful and highly biodiverse area. The land supports numerous important indigenous species, including a population of the southern emu-wren—a species which is considered nationally endangered—and the vulnerable southern bell frog as well as the great egret—a migratory bird species protected, again, under the EPBC Act. It also supports significant vulnerable flora, including the state rare white purslane—a herbaceous, low-growing, multi-stemmed plant—and *Gahnia filum*, a thatching grass which makes up the sedge land in drainage lines and depressions, which is considered very important to the biodiversity values, particularly for the wildlife.

We must acknowledge and thank the previous owners of the property—Mrs Elaine Poyntz and her family—for taking such great care to preserve the area's biodiversity. They were indeed very proud to be at the opening and talking about the history of the land. Indeed, Mrs Elaine Poyntz will still occupy some high land from which she can look down on this wonderful area—well, it wasn't a donation, it was purchased, but I think it was purchased at a very, very reasonable price, and we thank her for that.

While the Nature Foundation have, as I say, independently purchased the reserve, they are working with many dedicated groups who are committed to protecting this highly significant area. I understand that the foundation has greatly appreciated the support from the Ngarrindjeri Regional Authority Aboriginal Learning on Country program, particularly with respect to weed control, planning and fencing work.

The Goolwa to Wellington Local Action Planning Group has also provided vital technical expertise and knowledge about the area. I should say that I think the Goolwa to Wellington Local Action Planning Group send regular emails to honourable members, and they are usually very informative. I am also particularly pleased when I see their emails talking about local species that have been found again after many, many years of being thought extinct or absent from the local area.

The Conservation Council has coordinated important ongoing research at the property, I am told. By collaborating with these and other partners, the foundation continues to improve and share our knowledge of the Fleurieu swamp system. The health of the swamp system is critical to a healthy ecosystem and biodiversity, and the knowledge gained on the Watchalunga Reserve will contribute to recovery planning for many, many important species.

I would like to congratulate Nature Foundation SA for taking up a very rare opportunity indeed to protect a freshwater wetland in good condition, especially because there are precious few examples within the existing protected area. I also again congratulate all the groups involved in the event on 21 March for their ongoing contribution to the protection of our biodiversity. Finally, again, I would like to congratulate the Poyntz family and Mrs Elaine Poyntz for their far-sighted vision and their very keen desire to work with Nature Foundation to hand over land that they have kept in very good condition for the benefit of the state and the long-term future.

### SHACK SITES

**The Hon. J.A. DARLEY (15:03):** I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions with regard to shacks on crown land.

Leave granted.

**The Hon. J.A. DARLEY:** I understand that, in the late nineties, the Liberal government convened a shack site committee which reviewed each individual shack site area and considered whether it would be suitable for freeholding or long-term leases at that time and, if so, under what conditions. Many life tenure leases are now expiring as a result of the death of the last lessee on the lease. This means that many families who have enjoyed the use of a holiday shack, and have paid for this privilege, must now demolish or remove the longstanding family shack and remediate the land to its original condition. My questions are:

1. Can the minister advise what the current policy is on shack sites on crown lands, particularly with regard to freeholding or lease extensions?
2. Can the minister advise when this policy was last reviewed?
3. Does the minister believe that a new review should take place?
4. Would the minister consider reconvening a shack site committee for this purpose?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:04):** I thank the honourable member for his question and his ongoing interest in this area. I have spoken about shacks in this place so many times now. I understand that there are fewer than 300 life tenure shack leases on crown land and fewer than 100 of those are in national park reserves.

The crown land subject to shack leases, as the honourable member said in his introductory remarks, has been assessed a number of times, most significantly in 1994, under the then Liberal government's shack site freeholding policy. The intention of this policy was to permit freeholding wherever possible. Six criteria had to be met for a shack to be eligible for freeholding, I am advised. All shack sites were assessed to identify those suitable for freeholding, taking into account criteria including public health requirements, continued public access to waterfront, flood and erosion issues and planning requirements.

Sites that met the criteria were sold to the occupant if they were agreeable to that course of action. Those that did not meet the criteria were issued with non-transferable life tenure leases, which means that the lease expires when the last lessee passes away. Life tenure leases require, of course, the payment of an annual rent, and that rent has been based on the premise that the state should receive a fair return for the private, exclusive use of its land assets. The honourable member has asked me questions about the rental issues in the past; I will not go there right now.

In terms of the government's policy, I can advise that there has been no change in that regard. I am not quite sure when the last review was conducted of shacks, so I will take that on notice and bring that back to him—not a review to do with rate setting, of course, but to do with tenure, I

expect, is what he meant by his question. Do I think that there needs to be a new review? No, I do not. I stand by the policy of successive Labor and Liberal governments on this matter and therefore, no, there will be no new committees set up to reconsider the matter.

#### **APY LANDS, CONSUMER RIGHTS DVD**

**The Hon. J.S. LEE (15:06):** I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers questions about the *Deadly Dollars* DVD.

Leave granted.

**The Hon. J.S. LEE:** As reported in the Consumer and Business Services annual report for 2013-14, it is stated that the department received a grant from the commonwealth Department of Families, Housing, Community Services and Indigenous Affairs to develop a consumer rights DVD aimed at Aboriginal consumers living in the APY lands. The DVD titled *Deadly Dollars—Something for Nothing* shows what can happen to an APY family when lumbered by debts caused by expensive contracts and impulsive purchases. My questions are:

1. Can the minister advise how many APY families this campaign has reached and the impact it has had on the families?
2. What evidence does the minister have that these campaigns are addressing consumer issues for residents in the APY lands?

**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) (15:07):** I thank the honourable member for her most important questions. Indeed, I think that I spoke on this DVD at the time of its release. The reason the DVD was developed was because, through consultation with various Aboriginal groups, certain consumer problems were identified on the lands, particularly around 'tiki', which is the shops taking the credit cards of consumers and keeping them, and a range of other issues as well.

There were specific problems that were identified as occurring on the lands, so a DVD was developed, using culturally appropriate and sensitive material and language, etc., and devised in a way to speak to and reach the people on the lands who had concerns in relation to these consumer issues. I can't remember how many we disseminated, but I am pretty sure I did announce at the time how many we were putting out there. I am happy to do a progress report on that in terms of what the uptake was like and how far that went out. I know that the feedback at the time when we released it was extremely positive. We are very pleased with how well it was received at that time, but I am happy to follow that up and see what the longer term results have been.

#### **ABORIGINAL HEALTH**

**The Hon. T.T. NGO (15:10):** I have a question for the Minister for Aboriginal Affairs and Reconciliation. I am told that immunisation rates for Aboriginal children in South Australia are lower than the rates for non-Aboriginal children. Could the minister tell the chamber about the current statistics detailing improvements in vaccination rates among Aboriginal children?

**The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:10):** I thank the honourable member for his question about this very important health initiative. I would like to start by answering this question with something that is probably very rare for me and won't happen very often: commending the federal Liberal government for its solid and scientific approach to public policy in this area. While I remain deeply concerned about the federal Liberal government's ideologically driven agenda to damage South Australia's manufacturing sector, health care and education, the federal government has taken a strong scientifically based stance on vaccinations that should be applauded.

**The Hon. I.K. Hunter:** Should we be telling them that?

**The Hon. K.J. MAHER:** Credit where it's due, and it's due in this case. Not allowing the pseudoscience that is espoused by anti-vaccination campaigners to put children's health at risk is a sensible and commendable action. As members would be aware, the federal government has announced—and it was in, as I understand it, last night's budget—that it will stop childcare and family

tax payments to parents who are conscientious objectors to childhood vaccinations. The reckless behaviour by some parents to not vaccinate their children, for what they call 'conscientious objection' reasons, is not only putting their own children at risk, but putting the health of other children who are too young to otherwise have vaccinations or medically unable to be vaccinated at grave risk of serious illness or even death.

These decisions by some parents are not based on any reputable science. The comprehensive, overwhelming evidence is that vaccinations provide a massive public benefit. The herd immunity that is gained by a comprehensive vaccination program allows that levels reached provide a protection for the whole of the population.

There have been many speeches in this place regarding closing the gap between Aboriginal and non-Aboriginal people's health care and outcomes. However, when discussing vaccination rates for Aboriginal children in South Australia, there is a gap between Aboriginal children and non-Aboriginal children in two of the three categories, where Aboriginal children are now leading the way.

Aboriginal vaccination rates have increased by over 20 per cent in the past two years thanks to a targeted education campaign and the efforts of local health and community groups. The 'Help me stay strong' campaign run by the health department has delivered great returns. The targeted material provided to parents informs them of the importance of immunisation and the need for vaccinations to occur at six weeks, four months and six months of age. I congratulate the many dedicated healthcare workers who have helped to achieve this great result in Aboriginal health.

For instance, on current statistics, 91.8 per cent of Aboriginal children aged 12 months have received all their recommended vaccinations, compared with only 90.8 per cent for non-Aboriginal children. Ideally, both these numbers should be very close to 100 per cent, and I think the federal government's new policy in relation to vaccinations will improve this.

I encourage everyone in this chamber and the wider community to promote the benefits of immunisation. In this instance, it will deal with very real health concerns in the Aboriginal community and also for non-Aboriginal children.

#### **ADELAIDE LIGHTNING WOMEN'S BASKETBALL TEAM**

**The Hon. D.G.E. HOOD (15:13):** My question is directly to the minister representing the Minister for Sport. Is the government involved in active talks with Basketball SA in an attempt to ensure that the Adelaide Lightning basketball team is not permitted to fold, as they will be required to do if they are not able to produce \$150,000 by this Friday, I understand?

**The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:14):** I thank the honourable member for his most important question. I will take that question to the minister in the other place and seek a response on his behalf.

#### **MICRO FINANCE FUND**

**The Hon. A.L. McLACHLAN (15:14):** My question is for the Minister for Manufacturing and Innovation. Has the panel for the assessment of grants from the South Australian Micro Finance Fund been appointed? Who are its members and what are their qualifications?

**The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:14):** I thank the honourable member for his very important question and his interest in these areas. He is a very diligent and hardworking member who, many agree, will soon probably be leader of the Liberal Party in this council, so I congratulate him on his question and encourage him to keep up the very hard and diligent work. Welcome back, the Hon. David Ridgway!

*The Hon. D.W. Ridgway interjecting:*

**The Hon. K.J. MAHER:** You're a fantastic leader! In relation to the question on the SA Micro Finance Fund, the initiative was recently announced. There is not a time limit for applications: it will be done on a rolling basis. I will get an update not only on who will be making the decisions on approving the grants but also on how applications are proceeding and I will bring that back.

**NATIONAL SCIENCE WEEK**

**The Hon. J.M. GAZZOLA (15:16):** I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about Science Week 2015.

Leave granted.

**The Hon. J.M. GAZZOLA:** A concerning recent survey revealed that only 39 per cent of Australians believe that the benefits of science outweigh the risks. Minister, will you update the chamber about the recent launch of the program of events for Science Week 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) (15:16):** I thank the honourable member for his most important question. I recently had the pleasure of attending and speaking at the launch of the initial program of events for the 2015 National Science Week, which will take place later in August of this year. We know that science and scientific discoveries are extremely important to the future of this state. We have set ourselves the task of transitioning our economy from a traditional automotive manufacturing model to a much more high-value, advanced manufacturing model, and we know that science and innovation will help us to achieve that.

**An honourable member:** So will submarines.

**The Hon. G.E. GAGO:** And so will submarines.

**The Hon. I.K. Hunter:** Were they in the budget? I didn't see them.

**The Hon. G.E. GAGO:** Yes, and so would federal assistance in relation to the transition of our automotive sector which, we noticed, the federal Liberal government failed to provide any support for in this budget that was handed down last night. What we are striving to achieve—particularly through priority 4 of the state's 10 economic priorities—is cultural change that strengthens the links between science and the world of entrepreneurship.

I was very pleased to announce at the launch that the state government will be committing \$160,000 over the next four years to support science engagement activities, including the establishment of regional science hubs in collaboration with local partners. These hubs could be led by a school, for instance, a library or a local TAFE or university campus that works with local community and business groups to help host science activities throughout the year.

We want everyone, but especially young people, to have their curiosity for science lit up and stimulated, to see it as a path to a potentially rewarding and exciting life. Then, perhaps, one day in the future, we might be talking about some of those wonder-filled young kids as brilliant Australian success stories. Small grants are also available for projects during National Science Week. These are the local community events which, from a very modest investment, can result in a very successful and memorable science experience.

This is a government that is committed to advancing science for the benefit of the state, not only during National Science Week, but throughout the year. For example, the state government is throwing its support behind initiatives such as the \$825,000 Venture Catalyst program in collaboration with the University of South Australia. The Venture Catalyst provides up to \$50,000 for student-led ideas to help them commercialise a product or a service that has strong market potential.

We have established the South Australian Science Council to provide high-level independent advice to me as Minister for Science and Information Economy on things like science policy issues, particularly those policy areas that align very closely with our key state strategic priorities. The council is chaired by Dr Leanna Read. As you would be well aware, she is Chief Scientist for South Australia. She is a terrific chair and an incredibly successful scientist in her own right, and she is doing a marvellous job in terms of chairing the council.

The membership has been refocused and tightened, with members selected on the basis of their expertise and knowledge of industry interactions with scientific activity, particularly in the area of research commercialisation, development of science technology, engineering and maths (STEM) skills, strategic communications and the ability to approach problems from novel cross-disciplinary directions and understand the importance of science excellence.

I recently had the pleasure of meeting with members of the Science Council, and let me assure you, members, they are an incredibly impressive group of people who are very dedicated to these pursuits. The council committee is continuing to refine its priorities and work towards a strategic vision for science and research in South Australia and has decided to focus on the key areas of industry interactions, with scientific activity and research commercialisation, the development of STEM skills, strategic communications about the importance of science and research, further developing strategies around developing centres of research excellence, and an independent review of the South Australian government investing in science action plans. As you can see, Mr President, the state government is very committed to supporting science and it is receiving some fabulous leadership from our council.

*Matters of Interest*

**GREEN CAR TRANSFORMATION SCHEME**

**The Hon. T.A. FRANKS (15:22):** I rise today to talk about green jobs and, indeed, to ask a question which I would have asked the Minister for Automotive Transformation had I had the opportunity in question time today. As we well know, the Holden plant is due to close in 2017 and this month another 270 workers are slated to go from the Elizabeth plant as it scales back production, not only because of the planned closure but because of lower car sales.

The dominoes are falling, the knock-on effects in the supply chain are having a massive toll, yet the coordinator for the Automotive Transformation Taskforce, Greg Combet, stated on ABC 891 a few weeks ago, when asked about the prospects of a green car being developed in Australia, that the South Australian government was certainly not about to start electric vehicle manufacturing as a replacement for Holden's demise in northern Adelaide. He also stated that previous efforts had failed to show it was a viable and even a prototype program had been abandoned.

I guess that begs the question: why are we not investigating this option and why have those details not been provided more publicly if they have been ruled out? The Greens certainly believe that we should be refocusing industry assistance, and creating and sustaining jobs within the automotive industry and that that should be done with the green car transformation scheme.

We have a crisis in the car industry, as we well know, and successive federal governments have poured money into the car industry but have failed to secure a sustainable future for auto manufacturing and jobs. The Australian auto industry, as we know, has been thrown into crisis by the decision of the big three—Ford, Holden and Toyota—to end major manufacturing by 2016-17. The crisis has been a long time in the making and successive governments have failed to lead a transformation of the industry.

I must acknowledge, however, that the Abbott government has accelerated the crisis with its plan to make over \$900 million in cuts to the automotive transformation scheme and with no real plan to support transition in this industry. Workers in the car and component industries are basically driving towards a cliff in 2016. The impacts in South Australia we know will be devastating and yet here we are missing big opportunities to transform our economy, to embrace future technologies, and to transform this industry to refocus on green cars.

The Greens believe we should be going electric. We believe, in fact, previous governments of both colours should have been ensuring that we were looking to the future far before this in terms of securing this industry into our future. Estimates of employment in the Australian auto industry are as high as 45,000 jobs directly and over 100,000 workers indirectly employed and many of these jobs will disappear without a shift in policy, yet global sales in electric vehicles and hybrids are expected to exceed half a trillion dollars by 2025.

With some notable exceptions, Australia has largely missed the opportunity to be part of this burgeoning industry, but with proper support some workers in the industry could make the shift into a growing components sector that is orientated towards the global supply chain of electric vehicles. The government's existing transition assistance to workers and industry allocated by state and commonwealth governments is inadequate and the Greens certainly call for that transition assistance to be increased. Ultimately, the best way for these workers is to ensure that we have a sustainable industry that can grow into the future.

I must say that already some Australian-based component producers are joining the world's electric car revolution. In 2012, after receiving government support from existing green and clean energy, Nissan Casting Australia, based in Dandenong South, secured ongoing contracts to produce several complex powertrain castings for Nissan's all-electric Leaf. Now that company is continuing to grow and has a secure future. Australian car parts maker Futuris has won a major contract to supply seats for the next generation Tesla battery-powered car due to go on sale in Australia. Tesla is taking the motoring world by storm.

Engineering for this program is being done in Port Melbourne and comes on the back of previous contracts with Tesla. Companies like Futuris and Nissan Casting would get ongoing support had the greens car transformation scheme been embraced. We believe that we need to act now instead of bleeding jobs from our state. A revitalised electric car industry can create those sustainable jobs for South Australia and, of course, for Victoria. The time to embrace the electric car revolution is now.

### FEDERAL BUDGET

**The Hon. T.J. STEPHENS (15:27):** I rise to comment on the budget handed down by the commonwealth government and its Treasurer last night. This budget is a sensible one. It takes a gradual path to surplus thereby ensuring that the effect on Australians is not an immediate shock. This will be welcomed by those opposite who castigated the commonwealth government for their so-called 'savage cuts'.

A priority of the commonwealth is the small business sector. On 1 July the commonwealth will offer small businesses tax cuts of 1.5 per cent. In addition to this, unincorporated small businesses will receive a 5 per cent tax cut and all purchases up to \$20,000 will be immediate tax deductions. This sector is close to my heart and the cost of entering this space and having a go are prohibitive, so I welcome these generous tax concessions. I hope that this will increase the number of start-ups in South Australia and encourage all those out there considering taking the plunge and starting a new business to have a crack in these newly created favourable conditions.

Praise needs to go to the commonwealth Treasurer, the Hon. Joe Hockey, and his team as they have stayed true to the Liberal value of stimulus through tax concessions, rather than simply handing out cheques. Ultimately, the government should be encouraging people to work as hard as possible for their keep, and personal income tax is simply a tax on productivity and an individual's ability to earn; it is a regressive tax. I look forward to seeing more of this in the future.

To further help the working family, the commonwealth has spent \$3.5 billion on making child care more affordable, allowing new mothers to go back to work sooner. This includes an 85 per cent rebate on childcare costs for families earning less than \$65,000 who are our most vulnerable; \$30 more per week for the next bracket of families earning \$65,000 to \$170,000; and four-year-old children will have 15 hours of preschool paid for by the commonwealth.

All these initiatives will go a long way to allowing mothers to return to the workplace. The commonwealth has also closed a loophole allowing parents to double dip on paid parental leave payments, taking both government and private sector payments. This, of course, is not the intention of such welfare packages, and I welcome the commonwealth closing that loophole. Welfare payments should only ever be a safety net; being financially self-sufficient should be preferred and incentivised by all governments.

Which brings me to changes to the age pension: those considered asset rich will no longer be able to access the pension, which I think is a fair move as our demography shifts into the future. The pension needs to be sustainable and affordable from a government perspective in order for our most vulnerable retirees to subsist. The aged pension is already 10 per cent of entire government expenditure, and this will only increase. Something must be done, and this is a step in the right direction.

To turn to South Australia, it is clear the commonwealth has been generous in its GST distribution to the tune of \$857 million over the state budgeted amount during the forward estimate period. This amount is more than enough to cover the pensioner concessions to council rates and to reverse the ESL hikes. The argument of the state Labor government, that these so-called savage cuts are the reason for these savings measures and extra taxes at state level, is simply a falsehood.



It is their own economic mismanagement that has the state budget into the precarious position it is in.

It is disappointing, but unsurprising, that the state Treasurer, the member for West Torrens, could not even acknowledge that there is actually more money flowing to South Australia under this new commonwealth budget—he can only complain and feign disappointment in *The Advertiser*. The commonwealth is assisting the state Treasurer with his budgetary crisis. He should be gracious enough to stop playing politics and assist vulnerable South Australians. I will conclude by welcoming a much more sensible and fairer budget, and I hope that those on the government side will end the pettiness and graciously accept the extra hundreds of millions of dollars invested in South Australia and use it for the betterment of this great state.

### HUTT ST CENTRE

**The Hon. G.A. KANDELAARS (15:31):** Today I would like to dedicate my speech to a woman who has been an inspiration to myself and to her peers, a woman who has selflessly dedicated her life to helping those in need. Her name is Brenda McCulloch. She started at the Hutt St Centre in 1994 as their first professional kitchen manager, and has achieved 21 years of service in April this year.

The Hutt St Centre was established by the Daughters of Charity in 1954 in response to the need they saw in the south-east corner of the city of Adelaide. The mission for the Hutt St Centre was to provide a multi-service, non-residential agency to support homeless and vulnerable residents in the inner city of Adelaide. That mission remains true today.

In addition to the essential personal and professional service, the Hutt St Centre aims to achieve secure housing and social inclusion for all those who are disadvantaged and homeless, including the frail and aged men and women. Over time the centre has expanded its services available to the homeless. Showers, laundry facilities, visiting health professionals, an aged city living program for older clients, recreational activities, education and training, legal aid, and assistance with finding housing are all the services provided to the 200-plus homeless people who visit the Hutt St Centre each day.

Now, back to Brenda. She has mastered an amazing ability to prepare 48,000 meals each year for somewhere between \$1.45 and \$1.65. Services include both breakfast and lunch, Monday to Friday, and on Sundays and public holidays a breakfast service, consisting of tea and toast, and a lunch service consisting of take-away lunch. Brenda is constantly looking for new and improved ways of fundraising and sourcing local fresh produce for the kitchen. Her frugal Scottish heritage helps in that area.

Having spent time with Brenda in the Hutt St Centre kitchen on a number of occasions, I have witnessed how truly loved she is by all the volunteer staff and clients. I have witnessed the great amount of respect given to her by the centre staff, volunteers and clients. I have also witnessed and heard what I am sure is only the tip of the iceberg of some funny stories of her great sense of humour in the kitchen. In an environment that is fast paced, she certainly knows how to keep the mood light and motivated and everybody happy and focused.

The Hutt St Centre has over 165 weekly volunteers, not just working in the kitchen but undertaking a range of different roles in the centre. This level of volunteer support for the Hutt St Centre is extraordinary and just shows the level of community support for the work the centre undertakes in assisting homeless people in and around Adelaide.

I have witnessed the great amount of respect given to Brenda by the centre's staff and volunteers. On 14 July 2011, Brenda delivered her one millionth meal to homeless people in Adelaide. Later that year Brenda and Dulcie Boag (a long-term volunteer) were both included in the Women's Honour Roll. In 2012, Brenda was named the Adelaide City Council's Citizen of the Year. Again in 2011, she also won the Rotary Club of Adelaide Parks Pride of Workmanship Award. She has also worked hard to ensure that all her meals are of high nutritional value and has adapted to the many changes in food preparation over the years.

Brenda has contagious and infectious humour and sincerity, which endears her to all. She is a true gem. Brenda is one of the many staff of the Hutt St Centre, which is ably led by Ian Cox. The

centre does such a wonderful job in assisting some of the most disadvantaged and marginalised in our community. I sincerely thank Brenda and all the staff and volunteers at the Hutt St Centre for the wonderful work they do in our community.

#### **BHUTANESE AUSTRALIAN ASSOCIATION OF SOUTH AUSTRALIA**

**The Hon. J.S.L. DAWKINS (15:36):** Bhutan, referred to as the last Shangri-La, is a small Himalayan country set between India and China. It has a population of approximately 800,000 and is ruled by a monarchy. Until 2008 Bhutan had no constitution, rule of law or independent judiciary, and, from as far back as 1988, the human rights situation has grown increasingly severe due to a discriminatory policy enacted against the Lhotshampas, the southern Bhutanese people of Nepalese origin and predominantly of Hindu faith.

The resettlement of Bhutanese people in South Australia began on 12 May 2008, a day now marked by that community as the annual Settlement Day. Since then, over 400 Bhutanese people have made South Australia their home through the third country resettlement program, many of them direct victims of human rights violations in Bhutan, including torture. Some Bhutanese arrived in Australia having spent over a decade in refugee camps and villages in Nepal. The third country resettlement program was launched by seven core countries: Australia, Canada, Denmark, the Netherlands, New Zealand, Norway and the United States.

On behalf of our Liberal leader Steven Marshall and the Hon. Jing Lee, I attended the seventh Bhutanese Settlement Day, hosted by the Bhutanese Australian Association of South Australia (BAASA) at Parafield Gardens last Saturday. Also in attendance were the Minister for Multicultural Affairs and local member for Ramsay, the Hon. Zoe Bettison, and Mayor Gillian Aldridge of the City of Salisbury.

The Bhutanese Australian Association of South Australia is inclusive, non-profit and non-partisan. The association initially began in November 2009 under the title of the Bhutanese Association in South Australia. The first AGM was held on 30 July 2011, with the association's name amended at that time to its current title.

The Bhutanese Australian Association of South Australia aims to provide security, progress and prosperity to the Bhutanese community in South Australia and to promote their traditional culture and the protection of the Bhutanese people's human rights, both within and outside Bhutan. They are involved in charitable works, particularly environment and conservation activities. Recently the association raised over \$8,000 for earthquake victims in Nepal.

The association also provides a range of services for its members to help their transition into mainstream Australian society. These services include: employment assistance; education services and support for students; helping members understand the Australian Constitution; support for aged people and the disabled; and organising training, seminars and workshops for members. The association is increasingly involved in the broader South Australian community and, I understand, was quick to offer assistance at the time of the recent fire which started at Sampson Flat.

The hospitality and welcome I received from the Bhutanese Australian Association of SA's executive committee was outstanding and I wish to thank the chairperson, Mr Kamal Dahal, and the other members of his executive, including the vice chairperson, Lal Bahadur Rai, the secretary, Jai Narayan Bhandari, the treasurer, Amber Chhetri, and the public officer, Tika Katel.

As I mentioned, this organisation, as well as promoting the culture and the language of their heritage, and that was on great display with the music and dancing last Saturday, is also very actively engaged with the remainder of the South Australian community and I think that is equally important. It was a great pleasure to be with the Bhutanese Australian Association last Saturday and, once again, I would like to thank the chairperson, Mr Kamal Dahal, and congratulate him and his group on the manner in which the whole event was managed and put on to the broader community.

#### **CITY OF ADELAIDE CLIPPER**

**The Hon. J.A. DARLEY (15:41):** I rise today to speak about the *City of Adelaide* clipper. On 14 April, I was invited to board the *City of Adelaide* clipper to help splice the mainbrace. This was a significant event which marked and paid tribute to the hard work and dedication of the small team

which had worked tirelessly for over three years to see the *City of Adelaide* clipper returned to its home in South Australia.

In 1864, the *City of Adelaide* was built to transport cargo and passengers between Sunderland in the United Kingdom to Adelaide, South Australia. The ship was innovative at the time as it comprised a wooden hull over an iron frame, rather than the more common wooden frames traditional at the time. Over the next 23 years, the ship completed 23 return journeys between the United Kingdom and Australia, carrying passengers including Frances Goyder, the wife of George Goyder who established the Goyder line of rainfall in South Australia, and Frederick Bullock, who would later become Mayor of Adelaide.

From 1888, the clipper undertook a number of journeys to North America for the timber trade before being used as an isolation hospital in the early 20<sup>th</sup> century and as a naval drill ship from 1923. After World War II, the ship was decommissioned and donated to the Royal Naval Volunteer Reserve club, which used it as their clubrooms and headquarters in Glasgow until 1989. In 1991, the ship mysteriously sank at its moorings, where it stayed underwater for about a year before it was raised in 1992 and slipped near the Scottish Maritime Museum.

The future of the *City of Adelaide* was in jeopardy from 2000 until 2009, with the Scottish parliament even considering a proposal to deconstruct the ship. In 2010, after considering a number of options with regard to the *City of Adelaide's* future, it was announced that the Clipper Ship City of Adelaide Limited, a group comprised predominantly of South Australians, was the successful and preferred bidder for the ship and the project to relocate the ship to Adelaide began.

The task of transporting the *City of Adelaide* from Scotland to Adelaide was no mean feat. The engineering complexities surrounding the move were enormous, as were the financial demands. However, 149 years after her first journey to Adelaide, the *City of Adelaide* arrived back in South Australia and is currently berthed at Dock One at Port Adelaide. I understand the intention of the Clipper Ship City of Adelaide Limited is to restore the ship to its former glory and have it exhibited as a tourist attraction, much like the *Cutty Sark* at Greenwich in London.

An enormous amount of work has already been undertaken to bring the *City of Adelaide* back to South Australia, and the volunteers involved should be highly commended for the work they have already done. I do not think that anybody is under the impression that restoration of this magnitude will be easy; however, the Clipper Ship 'City of Adelaide' Limited has already achieved what many have thought was impossible. I hope that a permanent home for the *City of Adelaide* will be found soon by the government, and look forward to visiting again. There is no doubt in my mind that a restored *City of Adelaide* clipper ship will be a similarly attractive tourist attraction in South Australia as the *Cutty Sark* is in the UK.

### GROOVIN THE MOO

**The Hon. J.M. GAZZOLA (15:45):** I would like to bring the chamber's attention to a very successful Australian touring event that I had the pleasure of attending on Anzac weekend—Groovin the Moo at Oakbank. The day began with a memorial service for our fallen soldiers followed by a set from Adelaide artist Jessie Davidson, fresh from a *Like a Version* performance on Triple J radio. The home crowd was very responsive.

The two main stages which braved the weather hosted local and international artists. Locals included recent award-winning Tkay Maidza, veterans Timberwolf and Sparkspitter, and headlining Adelaide sensation The Hilltop Hoods closing the night. Such was their appeal that thousands stood in the rain and mud, happily singing and cheering them on. Interspersed were internationally renowned artists including Wolfmother, Sticky Fingers and Charli XCX.

Across the racetrack, safe from the weather under the Moolin Rouge tent, the vibe was electric. Watching from the Udder Mayhem VIP area situated about 100 metres away, the sea of people were moving as one jumping mass to the amazing sounds of acts such as Meg Mac, DMA and Peaches, who, despite temporary technical difficulties, wowed the audience who were only too willing to forgive, forget and stay in the festive mood—a tribute to those behind the scenes, those performing and the event in all.

Whilst it could be said that many festivalgoers were informed yet fashionably ill-equipped to handle the weather conditions, they certainly were not complaining. In the area directly in front of the Udder Mayhem tent, dubbed 'Stage three', sliders both deliberate and unfortunate were cheered on and encouraged—fun certainly had by all—and a great view of the whole grounds was had from this area. Not that I would like to make the comparison; however, it was certainly commented that, unlike sporting events played in muddy conditions where the players could not show off their skills, the crowd enjoyed and were entertained by spectacular light and sound shows and brilliant performances from these artists.

Cold weather and partying calls for hearty meals, and Groovin the Moo certainly catered for that. With a broad selection of local catering vans offering pizza, burgers, curries, coffees and much more, festivalgoers were more than satisfied. In spite of adverse weather conditions, the crowd was well behaved and had a wonderful time.

Congratulations must go to Rod and Steve of Cattleyard Promotions who own Groovin the Moo, the promoters and organisers, the crew, the artists and the South Australian public who came out in support of live music and ultimately made the day a sold-out success. An interesting statistic was that the sell-out crowd of approximately 20,000 fans was made up of 66 per cent females and 34 per cent males, according to ticket providers Moshtix.

Groovin the Moo provides approximately 1,000 employment opportunities to local South Australian residents and incorporated volunteer programs, partnerships and work experience programs with MusicSA and TAFE to encourage youth within all related industry sectors. Additionally, local hospitality, accommodation, touring, transport and retail businesses were engaged both directly and indirectly as a result of Groovin the Moo.

There were approximately 100 buses transporting approximately 4,000 people to and from Oakbank, and this is not counting taxis, minibuses, artists' transport and private transport. South Australia Police were very happy with the crowd behaviour and traffic management at the event. Despite negotiating the obstacle course of council approvals, a heavy dose of rain throughout the day and naysayers who argue that Adelaide has not got what it takes to draw a decent festival crowd, Groovin the Moo proved them all wrong and put on a brilliant, sell-out event with a plethora of talent, mainly local, who really added some sparkle to an otherwise wet and windy day.

### YORKE PENINSULA COUNTRY TIMES

**The Hon. R.L. BROKENSHIRE (15:49):** It is with a great deal of pleasure that I rise today to put on the public record the appreciation, I am sure, of not only myself but also many members of parliament and a very large community that this year we celebrate the 150<sup>th</sup> year of the *Yorke Peninsula Country Times*.

The *Yorke Peninsula Country Times* effectively started in 1865 and is still going. It is one of the strongest country newspapers and one of the few in South Australia that is still owned by a private family. I want to congratulate the Ellis family. We now have three generations of the Ellis family who have employed a very large number of people over that period of time. It is possible that, some time in the future, there could be at least one member of the fourth generation of the Ellis family who will take over the *Yorke Peninsula Country Times*, albeit that the current proprietor, Mr Michael Ellis, the Managing Editor, is only a young man.

The print media is very, very important, particularly in the country and, whilst over that 150 years the *Yorke Peninsula Country Times* has gone through considerable amalgamations, it has been a very strong, very professionally put together paper. Back in 1986, it contained about 16 tabloid pages, and now it averages about 50 tabloid pages a week. It is interesting reading a lift-out of the history of the 150 years of the *Yorke Peninsula Country Times* and seeing some of the advertisements, some of the jobs and some of the opportunities that have been put into the *Yorke Peninsula Country Times* editions week after week.

I noted particularly with interest—and my colleagues would be interested in this—that, back when it was owned by a previous family, the Taylors, who were quite vocal in their initial editorials in the *Wallaroo Times* and the *Mining Journal*, they advocated their views way back then for free trade and Australian independence from Britain and expressed a generally low opinion of politicians. One

such editorial attracted the wrath of a member of parliament, who threatened to sue the *Times* over its content; fortunately for the Taylors, the offended member later withdrew his suit.

It is a very comprehensive paper. Yorke Peninsula is a vibrant and very strong economic region for South Australia, particularly when it comes to agricultural production and tourism, as well as fishing, which I know some of my colleagues in this place love when they get the odd day off, as rare as it may be, to be able to go over there and catch some tommy rough, whiting, squid and crabs.

The fact of the matter is that the *Yorke Peninsula Country Times* has a comprehensive agricultural section and a very good community social pages section, and it always has very important headlines. One of those I note in the edition in which the 150<sup>th</sup> year publication occurred had the headline 'Emergency services reform halts for inquiry', and that was talking about the concerns of the current parliament on behalf of the volunteers who look after the community across the state, particularly with respect to Yorke Peninsula.

It is also very important that, in the print media, there is an opportunity for the views of the reader, and I note that week after week there is an extensive and diverse range of letters to the editor. If you have a look, going right back from 1859 to 2015, there have been some enormous opportunities generated by the lead-up papers to the now consolidated and well-known *Yorke Peninsula Country Times*.

I think that it is commendable that we still have these papers operating today. I see it having a long future. It also has a very important sports section. Whilst there may be discussions from time to time now about how print media will perform in metropolitan Adelaide, I am sure that in the country the print media will be very important for communication to communities.

I know that the Ellis family is a very dedicated, professional and caring family. Their staff have spent decades with them and enjoy their work. If any members have an opportunity, they should visit the facility. It employs a lot of people; it is state of the art with all of its technology. I trust that the *Yorke Peninsula Country Times* will go on for another 150 years, producing very good material for Yorke Peninsula people for generations to come and for other readers.

#### *Motions*

### **LEGISLATIVE REVIEW COMMITTEE: PARTIAL DEFENCE OF PROVOCATION**

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

That, as a matter of urgency, the Legislative Review Committee review its Report into the Partial Defence of Provocation tabled in the Legislative Council on 2 December 2014, in light of the recent High Court decision in *Lindsay v The Queen* [2015] HCA 16.

The chamber may recall that the Legislative Review Committee undertook an inquiry into the partial defence of provocation sometimes used by defendants to a charge of murder to seek a reduction of the charge to manslaughter. The committee last year inquired into the Criminal Law Consolidation (Provocation) Amendment Bill 2013, which was introduced into this chamber by the Hon. Tammy Franks MLC after a referral from this council.

The bill proposes to amend the Criminal Law Consolidation Act 1935 by way of inserting a new section 11A to limit the partial defence of provocation. The Criminal Law Consolidation (Provocation) Amendment Bill 2013, the proposed new section 11A, Limitation on defence of provocation, states:

For the purposes of proceedings in which the defence of provocation may be raised, conduct of a sexual nature by a person does not constitute provocation merely because the person was the same sex as the defendant.

I must commend the Hon. Tammy Franks for bringing this to the attention of the chamber at the time. One of the key considerations of the committee during its inquiry was the application of the reasoning set out in the judgement of the South Australian Supreme Court of Criminal Appeal in *R v Lindsay* [2014]. The decision of *R v Lindsay* meant that the legal community considered it highly unlikely that a nonviolent homosexual advance would be sufficient of itself to establish a provocation defence. The recent High Court decision of *Lindsay v The Queen* [2015] has effectively put that view in doubt. The High Court decision held (paragraph 36):

It was open, as the appellant submits, for the jury to consider that the sting of the provocation lay in the suggestion that, despite his earlier firm rejection of the deceased's advance, the appellant was so lacking in integrity that he would have sex with the deceased in the presence of his family in his own home in return for money. And as the appellant submitted on the hearing of the appeal in this Court, it was open to a reasonable jury to consider that an offer of money for sex made by a Caucasian man to an Aboriginal man in the Aboriginal man's home and in the presence of his wife and family may have had a pungency that an uninvited invitation to have sex for money made by one man to another in other circumstances might not possess.

What that leads me to conclude is that the accused and the victim being of the same sex would still be a factor in establishing the partial defence of provocation. For example, should the above provocation be put to the jury, the jury may consider the fact that the sting of the provocation is only sufficient due to the sexual advance being of a homosexual nature. Further, the recent High Court case now suggests that the partial defence of provocation may be used for a nonviolent homosexual advance. This, in my view, is highly concerning in a modern contemporary society and, in my view, is unacceptable.

The Legislative Review Committee, in its deliberation, had the following key options for reform of the partial defence, or otherwise, put to it via submissions. The first was retaining the common law partial defence of provocation. Although the last decade has seen a trend towards reform of the provocation defence in other jurisdictions, a number of submissions had also supported this retention of the defence founded in common law, particularly in the context of the examination of the Hon. Tammy Franks' bill. Examples of this view can be found in submissions to the inquiry by the Attorney-General, the Hon. John Rau, and the Director of Public Prosecutions, Mr Adam Kimber SC. It should be noted that these submissions were in line with the Supreme Court decision.

Another option was to exclude specified conduct from the provocation defence. A number of jurisdictions have enacted legislative reform to exclude specified conduct from being considered relevant by a court when an accused raises the provocation defence, including New South Wales, Queensland, the Australian Capital Territory and the Northern Territory. In addition to the removal of specified conduct, both New South Wales and the United Kingdom have recently amended the provocation defence to require a heightened degree of provocative conduct and, at the same time, excluded specified conduct which the jurisdictions did not consider should be conduct for a court to take into account as relevant to establishing the defence.

Another option for reform would be to completely abolish the partial defence of provocation. This has occurred in Tasmania, Western Australia, Victoria, and New Zealand. Two of the submissions to the inquiry sought the complete abolition of the defence. Notably, it was the committee's view that any consideration of this option would require a concurrent review of any applicable mandatory sentencing obligations. As an example, it would be necessary to deal with extenuating circumstances that could occur in relation to such issues as victims of domestic violence or, for that matter, victims of sexual abuse as another example, and we would need to consider how the abolition of the partial defence of provocation would impact on those cases.

In providing a further submission to the inquiry, the Law Society had suggested that another option might be to remove the term 'provocation' from the provocation defence and rebadge the defence. This has occurred in the United Kingdom where the defence is now labelled the 'loss of control' defence. By pursuing this reform, responsibility for the offence may be seen to rest more comfortably with offenders, for the offence of manslaughter, and not with victims.

The High Court decision in *Lindsay* raises concerns that the use of the provocation defence may justify fatal violence arising from homophobia. South Australia should no longer allow excessive violence fuelled by homophobic beliefs to be condoned under our laws. South Australian society today is not so homophobic as to respond to a nonviolent sexual advance by a homosexual person as to form an intent to kill or to inflict grievous bodily harm.

They may be embarrassed, hurt or insulted. They might react with strong language of protest, use physical force as necessary to escape the situation and, where absolutely necessary, assault a persistent perpetrator to secure escape. The notion that an Australian male or female today would lose self-control to form intent to kill because of a nonviolent sexual advance is totally unacceptable, in my view.

A further inquiry by the Legislative Review Committee will give it an opportunity to determine how to prevent a nonviolent sexual advance from being used as a partial defence of provocation without potential unintended consequences. This is a complex area of law that needs a considered response. What I can assure this council is the committee strongly supported to the intent of the Hon. Tammy Franks in relation to her previous bill, which sought to address what has been viewed as the defence which may unfairly be used, at least partially, to excuse homophobic violence. The committee in its previous report condemned all forms of unlawful violence, and I am sure it will work diligently to recommend a working solution to the issues raised in the recent High Court decision in *Lindsay v The Queen*. I commend this motion to the council.

**The Hon. A.L. McLACHLAN (16:06):** I rise to speak on behalf of the Liberal Party, which will be supporting the motion in this chamber. It is of a view similar to the views expressed by the Hon. Mr Kandelaars. It is a complex area of law that requires a considered approach, and the report prepared by the Legislative Review Committee has only recently been tabled, so in our view it is appropriate that the new finding by the High Court be referred for further consideration by the Legislative Review Committee.

**The Hon. T.A. FRANKS (16:07):** I rise to support this motion put before us by the Hon. Gerry Kandelaars, and it will come as no surprise to members that I believe that we need swift action on this issue. The *Lindsay v The Queen* High Court of Australia judgement last week in unanimously allowing an appeal from the Court of Criminal Appeal of the Supreme Court of South Australia, quashing the appellant's conviction for murder and ordering a new trial in that case, means that not only is the 'gay panic defence', as it is colloquially known, possible in South Australia but it is imperative that we as legislators turn our minds to it.

It is a mediaeval murder defence which should be scrapped. It is 40 years now in this parliament since homosexual acts were decriminalised. We should have acted on this issue prior to this time. I would say we are going to be the last state to act on this issue. Since the Legislative Review Committee undertook their inquiry, New South Wales has progressed on this issue, and Queensland's Attorney-General last month announced that, by the end of 2015, that state government would take action on the 'gay panic defence'. Once that happens, unless we act before Queensland does, we will be the only state or territory in this country to retain this partial defence of provocation and the homosexual advance test. I urge the Legislative Review Committee to reopen and undertake their deliberations swiftly and thoroughly, and I look forward to further debate on this issue in this place.

Motion carried.

#### *Bills*

### **CRIMINAL LAW CONSOLIDATION (PROVOCATION) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. T.A. FRANKS (16:09):** Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

#### *Second Reading*

**The Hon. T.A. FRANKS (16:10):** I move:

That this bill be now read a second time.

This is the second time that I have introduced this bill. It is a bill that seeks to remove the partial defence of provocation and the homosexual advance test, colloquially known as the gay panic defence. As we have heard in this place, it has been applied in contemporary South Australian law. The bill seeks to assign this mediaeval murder defence to the dustbin of history, where it belongs. I would note that it is now 40 years since South Australia decriminalised homosexual acts. We used to lead in these areas of law reform and we currently lag behind every other state and territory on this particular issue and on many issues where homophobia, sexuality and gender identity apply.

I trust that later this year the government's announced review of equality in areas of sexuality, gender identity and gender will see us once again lead; however, we cannot wait in some areas for

the results of that review and we must continue to work where we can to ensure equality and fairness for all South Australians.

This provocation defence applies only where a homosexual man makes a nonviolent sexual advance towards another man and that man murders them. It can be used as a partial defence to downgrade that to manslaughter. It is a defence which sits in the relics of our history, a history that is homophobic and where homophobia was acceptable to the community. However, in this day and age commonly most South Australians would not accept such a presupposition that a nonviolent homosexual advance was something that could be seen as provoking such a violent reaction.

I note that the Legislative Review Committee inquiry will be undertaking its work in coming weeks and months, but I certainly hope not too many months. I draw members' attention to *Lindsay v The Queen*, a High Court of Australia case allowing an appeal that has quashed the appellant's conviction for murder and ordered a retrial in that case. That means that this issue is very much a pressing one for the South Australian parliament.

I think we, as parliamentarians, should be showing leadership and ensuring that, where there are questions (whether the common law is settled or not and certainly I did not believe that common law could be settled in such a way and the High Court of Australia has certainly given a decision that indicates that the common law is in no way settled in this area), as legislators we can settle matters. I think it is our duty to put our mind to this particular issue and address the gay panic defence, and I would urge members to dump the gay panic defence and I certainly support the words of the Hon. John Darley in his minority report to the Legislative Review Committee's inquiry into my previous bill.

I note that many of the submissions also argued that perhaps we needed to look at all of the provocation defences, and I am certainly not averse to that. Again, perhaps that could be part of the deliberations of the equality review, slated for later this year, and I am certainly intending to put a submission to that review arguing that case, and I am not averse to having those debates. I do think there are better remedies in this day and age than some of these old relics of our past, which I think need to be left behind as we embrace a future of equality. With those few words, I look forward to the report of the Legislative Review Committee, but note that this bill is now tabled in our council, and certainly I hope that that would be an imperative for swift action on this issue.

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

#### *Motions*

### **ADELAIDE CITY SKATE PARK**

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

That this council—

1. Notes that skate parks across the world provide for considerable positive youth development opportunities;
2. Notes that the Adelaide City Skate Park has been an outstanding social and recreational space for South Australia since June 2000, and in this time it has also provided a career launch pad for professional skaters and riders;
3. Expresses concern that, as a result of announcements to build new medical facilities on the site of the Adelaide City Skate Park, the state government has terminated its lease with the Adelaide City Council, effective June 2014, yet did not make a corresponding financial commitment for a replacement central city skate space; and
4. Calls upon the state government to urgently commit to funding a permanent central city skate space in the upcoming budget.

I note a sense of *deja vu*. A little less than a year ago I moved almost the exact same motion, calling on the state government to ensure that monies were allocated to ensure the relocation of the Adelaide City Skate Park. I urge members of the government to take this issue seriously.

We were told in the debate almost a year ago, in June 2014, that it was premature, to quote the government's words, to have such an allocation of money to the Adelaide city skate space, but we now see a skate space that is a construction site, as the biomedical precinct is built right over the



top of it. We are actually seeing, because of the lack of skating places, what I said we would see happen, namely, when there is no skate park in the city, the city becomes a skate park.

For those of you who enjoy a video on YouTube, I refer you to a Nitro Circus athlete, who took a scooter and jumped the fence of our current closed city skate park and did quite a spectacular move over the top of those very construction fences. It was quite a monumental feat! Off he goes down North Terrace. Of course, it is something that is probably quite dangerous, certainly not optimal, and would not have happened had there been a city skate park relocation process in place.

Inappropriate timing, but it is Groundhog Day here in parliament, because here we are again: I am putting up this motion a year after I put it up last time, and we still have seen no movement from the state government in committing to a relocated skate space.

I urge the state government to ensure that, in this state budget, we have an appropriate financial commitment from the state government that matches the efforts that have been put into this issue, in consultation by the Adelaide City Council and to the SA Skate Space Association, which has diligently worked on plans and attempted to be conciliatory with both local and state government, yet here we are still waiting for an announcement of funding to be allocated to this from the Weatherill Labor government.

Yet, Premier Weatherill stood to next to then Prime Minister Julia Gillard, when they announced that the biomedical precinct would be built and assured the South Australian community that the Adelaide skate park would be relocated and that the state government would ensure that. We are now three prime ministers on, but still the same state government. I hope that this state government will finally get its skates on. We have a new mayor as well, and I am sure that both mayors would have loved to have been celebrating the new skate space being opened rather than the events that I have been to, which have been mourning the loss of what has been a vital, vibrant, creative space, a safe space for skaters and the skating community.

On the last day before those construction fences went up, I went to an event that was attended by hundreds from the skating community, with many skaters getting in one last legal skate in that space. I was dismayed to discover that the water had been turned off some weeks before and that it was already a demolition site. That is certainly a slap in the face for young people particularly, but also older people who enjoy skating and BMXing and the like. There have been many attempts by that community to work productively, yet all we have seen is the announcement by the city council of a temporary space in a location that may or may not proceed into the future. It is not good enough.

We talk a lot about having a vibrant capital city. You do not have a vibrant capital city without ensuring that the Adelaide city skate space is relocated. We must be looking to ensure that we have a facility that is one of the best in the world, one we can be proud of and boasting of and one that we can launch, rather than bemoaning the fact that we have a construction site that is being used illegally by skaters, or that skaters are heading down to the Bunnings car park in Mile End or using Victoria Square. While Victoria Square has been designed to be skate friendly, it has certainly not been designed to be solely a skate park.

I urge members of the government to ensure that there is in this budget a good news announcement for the skating community, that they work productively, using the extensive consultations that have been done with the skating community and Adelaide City Council staff, and that we see that good news announcement being made prior to the state budget.

I will be bringing this motion to a vote on 17 June, the day before the state budget. I look forward to it not being necessary, or perhaps, as I say, it being a moment that we can reflect on, or perhaps we can celebrate the appropriate announcement of an adequate amount of funding from the state government to this vital skate park relocation project.

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

#### **SKILLS FOR ALL**

**The Hon. J.M.A. LENSINK (16:23):** I move:

1. That a select committee of the Legislative Council be established to inquire into and report on—

- (a) the extent to which the objectives and goals of the South Australian government's Skills for All program, specifically in relation to employment and productivity growth in South Australia as outlined in the 2011 Skills for All white Paper, have been met;
  - (b) the impact of the Skills for All program and associated funding and policy changes on the financial and operational capacity of TAFE SA to deliver training and employment programs in South Australia, particularly in regional South Australia;
  - (c) the impact of the implementation and operation of the Skills for All program on the capacity, transparency, efficiency and viability of the South Australian training market, including on registered training operators;
  - (d) the full financial impact, including long-term financial viability, of the introduction and ongoing operation of the Skills for All Program on the South Australian budget and government agencies;
  - (e) the extent to which the current and anticipated future training and employment needs of South Australian businesses, including regional South Australian industry, were met by the Skills for All program;
  - (f) the manner and extent to which South Australian industry has been consulted in relation to the funding and training priorities under Skills for All;
  - (g) the efficiency and effectiveness of the South Australian apprenticeship and traineeship arrangements since the introduction of Skills for All;
  - (h) the extent to which the Skills for All program complements or duplicates initiatives and programs undertaken by commonwealth government and non-government training and employment programs, particularly in regional South Australia;
  - (i) an assessment of key principles and operational arrangements that must be taken into account in designing and implementing the Work Ready program; and
  - (j) any other relevant matter.
2. That standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
  3. That this council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
  4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

Before I get into the content of the terms of reference, before anybody seeks to complain about another select committee, can I just advise that this matter was taken to the Economic and Finance Committee of the parliament but the government used its numbers to vote it down. Unfortunately, when these matters deserve to be examined properly, we fall back to relying on the Legislative Council—thank goodness for the Legislative Council, I hear the people of South Australia say—to see whether this matter can be examined properly. There are a number of terms of reference, which is reflective of the fact that this particular program has been handled very poorly indeed.

By way of background, in 2011, the then Rann Labor government announced that it would reform the way in which the state's vocational education and training (VET) sector would be funded and managed. There was a Skills for All white paper, which outlined the reforms and time frames for introducing them, with the objectives to be as follows: increasing the number of South Australians with post-school qualifications and the level of those qualifications; increasing the participation rates in the workforce, so the supply of labour to industry; improving labour utilisation and the hours of work for those currently under-employed, and; ultimately improving labour productivity.

The full implementation of Skills for All started in July 2012 and has been a financial disaster ever since. Advice from external sources, whether they be the Australian Council for Private Education and Training or others, regarding the need to adopt a gradual implementation of reforms and the financial risk of not introducing income and course eligibility restrictions on the availability of government subsidies for training were largely ignored. The department then known as DFEEST, which is now DSD, budget for Skills for All has been overblown several times and has required substantial course capping and eligibility restrictions to be made to bring the budget back under

control, and there have been several examples of people who have been disadvantaged through that process on talkback radio.

Of even greater concern is the adverse impact of these changes on training providers, students and South Australian small businesses, with ongoing uncertainty regarding Skills for All funding and subsidy arrangements, which seemed to change on an almost month by month basis from 2012 onwards. This funding crisis has created poor management of the program and has also seen a detrimental impact on the staff and funding budget of TAFE SA, which will see its staff numbers fall from 2,609 employees in 2012 to 1,795 in 2017-18.

TAFE has traditionally played a lead role in providing training and employment support services to disadvantaged South Australians, including those from Aboriginal and non-English speaking backgrounds, people with disabilities and regional South Australians. In some industries and regions, TAFE SA is the main provider of training, with more than 80 per cent of the market share. Regions with very high market shares for TAFE include the Far North (including the APY lands), the Fleurieu Peninsula and Kangaroo Island.

In launching the Skills for All program the government stated that a detailed independent evaluation would be undertaken and published by December 2013, to ensure that timely changes would be made to the program as required. However, an independent evaluation undertaken by ACIL Allen Consulting was not started until late 2014 and released just recently on 1 April 2015. This review found a number of deficiencies in the implementation and operation of the program and that the program has failed to meet several of its key objectives. These include:

1. The proportion of VET graduates with a job-related benefit has declined across Australia since 2005, more so in South Australia than in other jurisdictions. A table from that report (the ACIL Allen Consulting report), figure 27, entitled, 'Job-related benefits from training,' clearly demonstrates that the proportion of graduates reporting a job-related benefit since the introduction of Skills for All has shown a significant decrease since this program started for all certificate levels other than diploma or higher.

2. Little evidence of increased employment or productivity outcomes associated with the implementation of the Skills for All program.

3. Just 30.5 per cent of those enrolled in a Skills for All course completed it in 2013, and of those graduates only 70 per cent found a job-related benefit.

4. Concern that the increased availability of publicly-funded subsidies for VET training under Skills for All had had a detrimental effect on the existing fee-for-service training market. This has resulted in a so-named 'substitution effect' in some training sectors whereby publicly-funded training replaced privately-funded training rather than increasing the overall training places.

5. After accounting for population growth, Indigenous participation in VET has actually decreased over the period that Skills for All has been in place.

6. While there has been growth in VET participation across South Australia since the introduction of Skills for All, regional VET participation has grown at a rate half that of metropolitan Adelaide despite high unemployment rates in regional South Australia.

7. There is concern among stakeholders that Skills for All-funded VET activity has not always targeted areas with the greatest industry need or employment opportunities.

8. There is evidence of school-aged students delaying enrolment in VET until they are 16 in order to qualify for Skills for All funding.

9. Stakeholders express concern regarding inappropriate course delivery methods.

One of the major failings of the ACIL Allen evaluation of Skills for All is its failure to analyse or make reference to the financial aspects of the program, which is one of the most serious concerns among stakeholders about it, and its long-term impact on the future viability of state government training and employment programs in TAFE SA in particular. Without this informed and independent assessment of the full costs of implementing and delivering Skills for All, it is simply impossible to make an

informed evaluation of whether the South Australian taxpayer has received value for money for hundreds of millions of dollars that have been invested since 2012.

Overall, Skills for All has failed in its primary objective which is to upskill South Australians to increase employment, productivity and economic growth in our state. There has been almost zero employment growth in South Australia since 2010. In February 2015, South Australia had the depressing statistic of the highest unemployment rate in Australia, and unemployment in regional South Australia is at its highest level for 14 years. At 21.8 per cent, youth unemployment is another depressing South Australian statistic, among the highest in Australia.

The Skills for All evaluation was delivered 18 months late, has highlighted a number of problems, and the government is yet to announce any details in relation to the Work Ready program, so there is no confidence within this sector that what has been promised will indeed be delivered. For that reason, I commend the motion to the house and advise that I will seek a vote on this within the coming sitting weeks and will welcome the participation of interested members of the Legislative Council.

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

### **FREE TRADE AGREEMENTS**

**The Hon. J.S. LEE (16:34):** I move:

That this council—

1. Recognises the benefits of free trade agreements to South Australian businesses and the economy; and
2. Acknowledges the work of the commonwealth government to establish recent free trade agreements with Korea, Japan and China.

It is my pleasure to rise today to move this motion as the shadow parliamentary secretary for trade and investment and small business, because I believe the signing of the free trade agreements with China, Korea and Japan is a timely and strategic move to align our economic development with our Asian neighbours. Provided that we have the right business conditions in South Australia and a ready for business approach, these trade agreements will open up many new doors for South Australian small to medium-sized businesses and exporters.

I move this motion today to outline why free trade agreements are important to South Australia. As honourable members would know, free trade agreements (FTAs) are designed to reduce the barriers to trade between two or more countries, which are in place to help protect local markets and industries. Trade barriers typically come in the form of tariffs and trade quotas, and they cover areas such as government procurement, intellectual property rights and competition policy. Lowering trade barriers helps industries access new markets, boosting their reach and the number of people they can sell their products to. FTAs are also ultimately designed to benefit consumers; therefore, increasing competition means more products on the shelves and lower prices.

Prior to the signing of FTAs with China, Korea and Japan, Australia had a total of seven FTAs in place, with New Zealand, the United States of America, Chile, Thailand, Malaysia, Singapore and the Association of Southeast Asian Nations (ASEAN). The establishment of free trade agreements that the federal Liberal Coalition has negotiated for Australia are fantastic opportunities for the Australian economy and the wider community.

With this in mind, I congratulate the Liberal Coalition government for successfully establishing free trade agreements with three of Australia's top trading partners: China, Japan and Korea. Honourable members might be interested to know that these newly signed trade deals have formed a powerful trifecta of agreements with Australia's three largest export markets, which account for more than 61 per cent of our export of goods. My recent study tour and trade delegation to China and Korea has confirmed that government departments and business sectors in China and Korea welcome the newly-established free trade agreements with Australia.

Around Easter this year, I conducted a study tour and business delegation to China and Korea. Meetings and site visits were scheduled for me in various cities and provinces. In China, I

visited Shantou, Zhongshan, Guangzhou, Panyu, Kunming, Zhouzhuang, Suzhou and Shanghai; and in South Korea, I visited Daejeon, Seoul, Incheon and Gyeonggi-do

Amongst the many official meetings and site visits to factories, trade fairs and exhibitions, logistic centres and seaports and government departments, I also had the opportunity to deliver lectures on the topics of international trade and free trade agreements at two universities in Korea, namely, Kyung Hee University and Mokwon University.

The business community and education sector in Korea were excited about the free trade agreements and very keen to develop a strong relationship with South Australia. As a result of my first visit to Korea, I was overwhelmed by their forthright business approach and very honoured to be appointed in the following positions: Honorary Chief Adviser of Australia-Korea Business Council of South Australia; Honorary Chief Adviser for Korea Industrial Complex Cooperation, Gwangju Biz Growth Support Centre; and Honorary Member of the Advisory Committee of the Korea-Australia Strategic Centre for International Trade.

The reception throughout China and Korea was overwhelmingly warm and productive. Meaningful discussions were held with many government officials and business leaders in various cities, as I mentioned earlier. They demonstrated their interest in working with me in developing trade, investment and educational and tourism opportunities between their respective cities and South Australia. It was certainly a successful study tour and business delegation for me in my portfolio of multicultural affairs, small business, trade and investment.

The Chinese and Korean government officials and business people I met during my trip in late March and early April were incredibly receptive. They have all regarded free trade agreements as a positive development between Australia and their respective countries. Despite the very tight and demanding travel schedules, I am grateful for all the help and assistance given by many business leaders and government officials in China and Korea, providing me with valuable information, contacts and new propositions and opportunities for South Australia.

During my visit, they indicated a new level of confidence in Australia and an increase in their appetite to explore new opportunities for South Australia. I place on the record my special thanks to the business community and different levels of government in China and Korea for their generous reception and productive meetings.

At this point, I would also like to take the opportunity to acknowledge the member for Chaffey, Mr Tim Whetstone in the other place, who will be moving the same motion in the House of Assembly as the shadow minister for trade and investment. His recent trip to Japan has been very fruitful. He informed me that he gained valuable insights into the economic situation in Japan and identified many opportunities for South Australian exporters. I congratulate the member for Chaffey for his wonderful work and his continued interest in building trade and investment opportunities for our state.

Coming back to the free trade agreements, in 2013 Australia's international business survey of more than 1,600 small to medium-sized exporters ranked China as the most important market for export growth opportunities. Yet 40 per cent of the companies identified tariffs and quotas as barriers to doing business in China. Negotiations for a free trade agreement with China commenced under the Howard government in 2005, and languished between 2007 and 2013. It took nearly 10 years, after 21 negotiating rounds, for the landmark China-Australia Free Trade Agreement (ChAFTA) between the governments of Australia and China to be completed.

ChAFTA, the China-Australia Free Trade Agreement, was signed on 17 November 2014 by Australian Liberal Prime Minister Tony Abbott and the Chinese President Xi Jinping. ChAFTA lays a historic foundation for the next phase of Australia's economic relationship with China. The signed agreement will unlock significant opportunities for South Australia, as China is Australia's largest export market for both goods and services, accounting for nearly a third of cultural exports, and a growing source of foreign investment.

China continues to grow at nearly 7 per cent, despite a recent slowdown. With more than 1.3 billion consumers living in China, the demand for our exports will continue to grow. I personally witnessed the increased appetite for Australian goods when I was in China recently. For every dollar

we spend buying Chinese goods and services, the Chinese spend two dollars buying Australian goods and services. There should not be any doubt who are the bigger winners in this relationship.

The signed FTAs acknowledge the long-term stability and rapid growth of the bilateral economic and trade cooperation since the establishment of diplomatic relations between China and Australia in 1972. This new FTA does not only put us on an equal footing with other countries which have FTAs with China, but it gives Australia, and South Australia, a significant advantage over other major players in the Chinese agricultural market, such as the US and the EU.

The China-Australia Free Trade Agreement will unlock substantial new benefits for Australians for years to come. It will add billions to the economy, create jobs and drive higher living standards for Australians, as was pointed out in the budget announcement speech by the Hon. Joe Hockey, our Treasurer.

More than 85 per cent of Australian goods exports will be tariff free upon coming into force, rising to 93 per cent in four years. Some of these goods are currently subject to tariffs of up to 40 per cent. On full implementation of the China-Australia Free Trade Agreement, 95 per cent of Australian goods exports to China will be tariff free.

Significantly, tariffs will be abolished for Australia's \$13 billion dairy industry. Australia's beef and sheep farmers will also gain from the abolition of tariffs ranging from 12 to 25 per cent, and all tariffs on Australian horticulture will be eliminated. Tariffs on Australian wine of 14 to 30 per cent will go within four years, while restrictive tariffs on a wide range of seafood, including abalone, rock lobster and southern bluefin tuna, will also cease within four years.

The Australian government has secured the best ever market access provided to a foreign country by China on services, with enormous scope to build on an export market already worth \$7 billion. Legal services, financial services, education, telecommunications, tourism and travel, construction and engineering, health and aged care, mining and extractive industries, manufacturing services, architecture and urban planning as well as transport, amongst others, will all benefit from being able to do business in China more readily. This places Australia in a strong position to secure additional gains as China undergoes further economic reforms into the future.

For the record, China is Australia's largest two-way trading partner in goods and services, valued at more than \$150 billion in 2013. As a goods export destination, it is worth \$95 billion, and as our largest source of goods imports, it was worth \$47 billion in 2013. China is Australia's largest services export market, which, as I mentioned before, is worth \$7 billion.

South Australia will really benefit greatly in the agriculture and food industries. The *Stock Journal* stated that the signing of the China-Australia Free Trade Agreement could have huge potential benefits for the national sheep and wool industry. Under the agreement, sheep meat tariffs of 15 to 23 per cent will be eliminated over four to eight years. In relation to China taking on 80 per cent of Australian wool, as well as 25 per cent of sheep meat exports, Livestock SA President, Geoff Power, from Orroroo, said that there was no doubt that the FTA would be beneficial for the industry. He confirmed that it is going to create a more secure market and that, by doing that, we are creating more demand.

In addition to those comments, WoolProducers Australia President, Richard Halliday, from Bordertown, said that the biggest benefit for the wool industry would be the percentage of wool that no longer attracted a tariff over an extended period. This China-Australia Free Trade Agreement will definitely produce long-term benefits to Australia and South Australia.

In regard to Japan, Japan has been classified as an economic heavyweight and is the third largest economy in the world. It was worth \$US5 trillion in 2013 and it is still Australia's second largest trading partner. In 2013, Australia and Japan's two-way trade totalled \$70.8 billion, which is more than 10 per cent of Australia's total trade. Japan is an extremely vital, longstanding and highly complementary trading party for our nation. It is also the third largest investor in Australia with investment stocks worth \$130 billion.

With the recently signed Japan-Australia Economic Partnership Agreement, more than 97 per cent of Australian exports to Japan will enter duty-free or receive preferential access when JAEPA is fully implemented. It will slash prohibitive agricultural tariffs on a wide range of products to

our second largest agricultural export destination, Japan, and will eliminate tariffs on all of Australia's current minerals, energy and manufacturing products. This agreement lays the foundation for the next phase of bilateral economic relations and will strengthen the special strategic partnership between Japan and Australia.

As I pointed out earlier, my recent trip to Korea has definitely been beneficial. As Korea is Asia's fourth largest economy with 50 million people, Australia and Korea have natural economic, political and strategic complementary common values and interests which will continue to allow for a strong bilateral partnership to grow. Korea is currently Australia's third largest export market and the fourth largest overall trading partner in terms of two-way trade exceeding \$30 billion in 2012-13. The Korea-Australia Free Trade Agreement will strengthen and expand opportunities for Australian companies doing business with Korea as the bilateral investment between Korea and Australia will continue to grow and diversify.

The stock of Korean investment in Australia has grown 25-fold to \$12 billion between the time period of 2001 and 2012. KAFTA, which is the Korea-Australia Free Trade Agreement, will enable Australia's agricultural exporters to compete in this highly protected lucrative market and also open new markets in Korea for Australian law firms, accountants and telecommunications providers. It guarantees access in a wide range of other sectors including education and financial services.

With all those important elements that I have mentioned in terms of free trade agreements that are set between Australia and Japan, China and South Korea, I think increasingly we need to pay tribute to all the community organisations as well as business associations which are furthering the trade and improving relationships for South Australia and those three countries. The trifecta, I call it—Japan, China and South Korea—of free trade agreements are incredible opportunities for South Australia, so I believe that South Australia can tap into and access some of the world's largest economies. With those remarks, I commend the motion to the council.

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

### **SAMPSON FLAT AND TANTANOOLA BUSHFIRES**

Adjourned debate on motion of Hon. T.T. Ngo:

That this council—

1. Acknowledges with gratitude the inspirational efforts of the emergency services staff and volunteers in fighting the Sampson Flat and Tantanoola bushfires which resulted in the declaration of a major emergency on 3 January 2015;
2. The dedication and professionalism demonstrated by SA emergency personnel and their colleagues from NSW and Victoria over the six days before the fire was contained, prevented much worse destruction and any loss of life; and
3. Also acknowledges the work of the many agencies, community groups and individuals involved in establishing and running the relief centres at Golden Grove, Sandy Creek, Willaston and later Gumeracha and those now still involved in the recovery phase led by the State Recovery Office and the wider community for their enormous generosity during and after the emergency.

(Continued from 6 May 2015.)

**The Hon. J.A. DARLEY (16:53):** I rise very briefly to support this motion which is essentially official recognition of this chamber's gratitude and thanks for those who assisted during the Sampson Flat and Tantanoola bushfires. The courage, tenacity and bravery of emergency services staff shown during the Sampson Flat and Tantanoola bushfires is really something that is difficult to express in words. Having experienced personally the two Ash Wednesday bushfires in 1981 and 1983, I am constantly in awe of those who decide to put their lives on the line to protect not only themselves and the things they hold dear but also for the general benefit of the community. The fact that many of those involved in these incidents are actually volunteers, rather than career professional emergency service workers, makes their bold actions even more noteworthy.

I am still amazed that no lives were lost from these bushfires. This fact demonstrates that all South Australians have learnt from previous experiences and are more prepared for such circumstances. Whilst nobody wants to think about the worst-case scenario, it is vitally important for both the community and the authorities to be prepared.

The fact that no lives were lost also speaks highly of the professionalism and training of our emergency services. Some say we were lucky that no lives were lost. I say it was part luck and part preparation. That is not to say that we should rest on our laurels as improvements can always be made, but credit should be given where credit is due. The events of the bushfires have already been outlined in detail in this chamber and I will not repeat them. Instead, to all emergency staff and volunteers, I would just simply like to say a very sincere thank you.

**The Hon. K.L. VINCENT (16:55):** I echo the remarks of the Hon. Mr Darley and on behalf of Dignity for Disability place on the record our very sincere thanks to all emergency services workers involved in these bushfires. This issue is particularly important to me as a former resident of the Adelaide Hills and with my family still living in that area. It is a beautiful place to live, but the trade-off is some potential extreme fire events.

I have put my personal thanks on the record for that reason and also because my brother, Cody Vincent, is a volunteer firefighter with the Bridgewater CFS and was involved in fighting these fires and was certainly very dedicated to that cause. I have certainly seen the impact that being a CFS firey has had on Cody's life. I would not say that it has given him a sense of purpose, because he already had one, but I have certainly seen that increase since he has been involved with the CFS, so I am very thankful for that reason and also that my brother was returned safely after doing that important work.

The final point that I would make, as I have raised previously in this chamber, is that these bushfire events raised a number of access and equality concerns for people with a disability in South Australia. As members would be aware, Dignity for Disability is grateful to the CFS, and other agencies such as SAFECOM, for working constructively with us on these issues. I am sure that this collaboration will result in a better and safer South Australia. I would like to reiterate Dignity for Disability's thanks and gratitude to all involved in this important safety measure.

**The Hon. R.L. BROKENSHERE (16:58):** I will be brief because I am on the public record many times over the years supporting or making statements about similar motions. I congratulate the Hon. Mr Ngo for the magnificent motion because it is so important.

Whilst the CFS, the SES, the MFS and allied emergency services and volunteers did do a very good job at the Sampson Flat fires, and I do not want to detract from the motion because Family First strongly support the motion, the thing that I find a little disappointing in the government putting up this motion is that it is put up at a time when they have plans for the CFS, the SES and other emergency services with volunteers that are against the wishes and the best long-term interests of those volunteers.

I would ask that the government have a serious look at strongly supporting the great work that they did with the Sampson Flat fires and fires in the South-East and the great work they do 24/7 for our community and that they also listen to the concerns of the volunteers and withdraw this draconian concept they have of a commissioner and a single fire service. With those few remarks, I thank the volunteers and their families and congratulate the honourable member in putting up this very important motion.

**The Hon. J.S.L. DAWKINS (17:00):** I rise to support this motion and to commend the Hon. Tung Ngo for bringing it to the attention of the chamber. In remarking on the first aspect of the motion, I suppose I am very much with the Hon. John Darley, when he made reference to the two Ash Wednesdays in the 1980s, three years apart. As part of the Gawler River CFS Brigade I went and fought those fires on both occasions. While some of that voluntary service was in areas further south than the area of the fire that started at Sampson Flat, certainly the reports I heard of the fire this year in Sampson Flat, and the reports describing the various roads and areas that were being impacted, reminded me very much of areas in which I worked with other CFS volunteers in both 1980 and 1983.

*Members interjecting:*

**The ACTING PRESIDENT (Hon. G.A. Kandelaars):** Honourable members, courtesy to those on their feet.



**The Hon. J.S.L. DAWKINS:** Certainly given the aspects of the country in which the voluntary firefighters had to combat these fires, I think very few people can contemplate the nature of the terrain.

*Members interjecting:*

**The ACTING PRESIDENT (Hon. G.A. Kandelaars):** I remind honourable members to conduct their conference outside the chamber.

**The Hon. J.S.L. DAWKINS:** Thank you, sir, I appreciate that. I think very few people can contemplate the terrain that the CFS volunteers have to negotiate in fighting these fires. As I heard all of the reports in relation to people being up in that area for the length of time that that fire was of great concern (and, as we all know, that was for a number of days), it reminded me very much of combating that territory.

Certainly, we had inferior CFS units and inferior capacity in some instances to fight those fires. One of the things I will always remember is going around the banks of the Millbrook Reservoir—I am not sure whether it was in 1980 or 1983—which had been used for many years for running horses and I think for some sort of pony club events. We spent hours and hours putting out fires in horse manure, and then having to come back to it later because it has a habit of reigniting. I only say that because I think it highlights some of the things that volunteers do to protect the rest of the community. As I say, it is often in very difficult terrain, and we should never forget the fact that it is also life-threatening.

I remember the crew I was with in 1980. I have described it before in this place as flat country firefighters. We were used to fighting fires that were coming along flat country; we knew where they were coming from. But if you go up into that hills territory, you get rapid wind changes and you actually do not know where the fire is coming from. We were very lucky to get out of a place called Vimy Ridge, I think it was, where there was a rapid wind change.

It was terrible weather. It was very hot with gusty winds. We jumped in our truck to get out of the way of the fire and the driver turned the key and it went click, click, click. I will not add what I responded with, but I think a number of us were a bit concerned about that. Thankfully, the second time the driver turned the key, the engine started up and we got out of there. I have never forgotten that experience, even though it is now 35 years ago.

I pay great tribute to those who fought those fires, both the Sampson Flat fire, which was something that I could relate to very closely, and also the fires around Tantanoola, which were in different circumstances, where vast areas of forest were under threat.

I would also like to mention very briefly the reference to all emergency personnel and also the fact that we had colleagues come here from New South Wales and Victoria. I have not gone interstate with the CFS but I know that a number of our CFS people have gone interstate to assist with severe bushfires in the past. In many cases that has been at a significant disadvantage to people, but they do it because they know it can give great respite to the crews that are on the ground. I think we all know the amount of time that was spent by many people at the Sampson Flat fire in particular. When that respite comes it is worth its weight in gold.

The third part of the motion talks about the work of many agencies, community groups and individuals at those relief centres, and I have to say I think more broadly than that: in a whole range of other areas. We should never forget the people who actually organised the evacuation of a lot of animals, including horses, out of those areas. I think that was a terrific service to the community.

Recently I was privileged to be at a function in Elizabeth, where the Rotary Club of Elizabeth, the Rotary Club of Playford and the Lions Club of Elizabeth Playford held a joint meeting. At that joint meeting they made a presentation of \$2,000 towards the One Tree Hill CFS, and that money was presented to the captain of the One Tree Hill CFS, Mr Tom Walsh. That represented, I think, the support of those local Rotary and Lions clubs. They provided some assistance at the time of the crisis, but following that they recognised that the One Tree Hill CFS had given such great service that they provided this money that may well add something to the facilities of the brigade that are not otherwise available, and I know that was very much appreciated.

The other aspect about community support, I think, that I would add is something that I mentioned earlier today in my matter of interest; that is, that highlighted last Saturday when I was at the function for the Bhutanese Australian Association of South Australia. Even though they were largely occupied with raising funds and awareness of their own countrymen, women and children still suffering in Bhutan and Nepal, and more recently they have been active in raising money for those suffering from the earthquake in Nepal, the Bhutanese community was one of the first to actually offer support at the time of the fires that started at Sampson Flat.

So, I give that community, which has only been in this country for eight years in total, great credit for seeing the need to support people as they fought those fires. With those remarks, Mr President—we are pleased to see you back—I have great pleasure in supporting the motion of the Hon. Tung Ngo.

**The Hon. T.T. NGO (17:11):** I would like to thank the Hon. Mr McLachlan, the Hon. Mr Darley, the Hon. Ms Vincent, the Hon. Mr Brokenshire and the last speaker, the Hon. Mr Dawkins, for their contributions and their support of this motion. I would like to reiterate my thanks to the CFS, SES, MFS and those firefighters from interstate who worked tirelessly to fight these fires. Without their extraordinary efforts these devastating fires could have been much worse. My thoughts are with those who lost or suffered damage to their homes and businesses as they continue to recover and rebuild.

The overwhelming support given by the South Australian community should also be acknowledged and, as the Hon. Mr Dawkins just mentioned, some of the newer emerging communities also joined in the efforts of raising funds for the people who suffered from this fire. I know many South Australians donated whatever they could and I am proud to be part of a community that helps each other, particularly when we face such devastation. I commend this motion to honourable members and I seek your support.

Motion carried.

### *Bills*

## **STATUTES AMENDMENT (GAMBLING MEASURES) BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 12 May 2015.)

**The Hon. G.A. KANDELAARS (17:14):** I rise today to support the Statutes Amendment (Gambling Measures) Bill 2015. The bill seeks to amend the Lottery and Gaming Act 1936 to make it an offence for a person to purchase or enter into a contract or agreement to purchase a gaming machine unless licensed. Members may recall a statement made last year by one of the people who were caught in possession of an illegal poker machine. He said, and I quote from *The Recorder*:

I Googled government sites to see whether it was illegal to purchase gambling machines and it isn't, however what I didn't see in the legislation is it is not illegal to purchase, but it is illegal to own a machine.

This amendment could potentially prevent others from making the same error of judgement. As I understand it, it would also allow authorities to act before a person takes possession. The bill also seeks to remove the prohibition of EFTPOS facilities in gaming areas in hotels and clubs. Some may question why we would want gamblers to be able to access their money from within a place of gambling; however, I believe it is a sensible amendment that is in line with providing a responsible gambling environment.

Since EFTPOS facilities, unlike ATMs, encompass human interaction when making a cash withdrawal, the gamblers can be continually observed by trained gambling area staff who can observe cash withdrawal behaviours and intervene when the gambler is exhibiting problem gambling characteristics. Currently, when a gambler has to exit the gaming room, they are less likely to be observed by a trained person, so some of the usual problem signs that occur with gambling may not be identified by an untrained person.

Other amendments to the Gaming Machines Act simply finetune the work of the Liquor and Gambling Commissioner and remove red tape. The bill also seeks to amend the Lottery and Gaming Act 1936 to make it unlawful to play or engage in the game of poker. This amendment, however, will allow the minister power to make regulations to prescribe circumstances where playing or engaging in a game of poker will not be unlawful.

An instance of where poker, in the government's view, should remain lawful would be tournament poker where a player's chips cannot be cashed out for money and serve only to determine the player's placing. There is no buyback or rebuys, and an equal amount of chips is dispersed amongst players who play for a set prize. The government has indicated that it is their intention to make regulation that clarifies the definition of tournament poker so as to ensure that it is not an unlawful game.

I note that the bill also makes amendments to the Independent Gambling Authority Act 1995. The Independent Gambling Authority has undertaken some significant work in developing and implementing barring arrangements that commenced on 1 July 2014. It is good to see a consistent, whole of gambling sector-wide barring arrangement for the first time.

I further note that the Hon. Tammy Franks recently raised some concerns about barring that I believe have been raised with her by some constituents. I think that all members should accept that there is always an opportunity to further improve barring arrangements for the benefit of the community and individuals involved. This is a complex area and is difficult, due to the stressful nature of the issues faced by people seeking a barring order.

So, it is quite timely that, in the same week as the Hon. Tammy Franks raised those concerns, the Minister for Gambling has tabled this bill, given that some of the proposed changes in the bill seek to provide the necessary flexibility to the Independent Gambling Authority to implement improvements in gambling barring arrangements while, at the same time, maintaining the Independent Gambling Authority's statutory independence.

The amendment provides additional flexibility through delegation provisions to the Independent Gambling Authority, which will allow them to delegate functions and powers to another person. This person could be in government or it could be a non-government organisation. With these changes, it is possible to contemplate barring arrangements that could be implemented on behalf of the Independent Gambling Authority by appropriately trained staff as part of a statewide network of gambling help services. The Independent Gambling Authority may identify some businesses facing synergies with Consumer and Business Services and with this amendment could delegate these types of administrative tasks.

There are many matters that I am sure the Independent Gambling Authority, gambling help services and the industry can work through together to consider alternative and perhaps more approachable methods for implementing barring orders. I encourage the Independent Gambling Authority to participate in this work, with a view to developing a pilot project, with gambling help services offering a more approachable method for implementing barring orders.

Additional to all of this, there are also some minor changes proposed to make it clear that confidentiality of information gained through the barring regime is maintained. Although one would expect confidentiality around these types of matters to be a given, it is always a good safety measure to make sure that these requirements are clearly set out. I encourage all members to support the bill in its current form.

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:22):** I understand that all second reading contributions have been made in relation to this bill. In making some closing remarks, I thank honourable members for their important contribution and I thank those members who have indicated support for this bill. There were a number of questions that were asked during the second reading debate, for which I have been provided answers, and I would like to put those on the record.

Obviously, significant reforms were introduced in the Statutes Amendment (Gambling Reform) Act 2013 and many policy issues were considered at that time and most of the

measures have now been implemented. The bill proposes to fine-tune some provisions in the Gambling Machines Act 1992, the Independent Gambling Authority Act 1995, the Lottery and Gaming Act 1936 and the Problem Gambling Family Protection Orders Act 2004. None of the proposed amendments seeks to fundamentally change gambling policy; they are all focused on greater clarity and simplification for business and customers.

The Hon. Rob Lucas, in his contribution, sought further clarification as to the reasons behind the staff and the delegation provisions. The delegation section 11B was included in the Independent Gambling Authority Act as part of the 2013 amendments. The purpose of this original amendment was to provide more flexibility to the Independent Gambling Authority to manage its workload and to ensure quicker resolution of some matters.

As part of the government's board and committee review, the ongoing need and role of the Independent Gambling Authority was considered. The government formed the view that there remained an important need for an independent regulatory body for regulating major commercial gambling licences, establishing codes of practice and overall responsibility for monitoring regulation and responsible gambling outcomes.

The government acknowledges, however, that having both the Independent Gambling Authority and Consumer and Business Services can cause some confusion amongst regulated businesses and the public. For this reason, the government is proposing to broaden the delegation power in section 11B to any person or body. This will enable the Independent Gambling Authority to delegate an activity or function to the most appropriate agency or organisation.

Whilst not a conclusive list, activities may be delegated to, for instance, the Liquor and Gambling Commissioner, the Attorney-General's department or even gambling help services. The delegations can be the subject of conditions and can be revoked. This ensures that the Independent Gambling Authority retains responsibility for shaping, monitoring and improving regulatory and barring arrangements for the gambling sector, so they continue to have control and a high level of autonomy in relation to those things.

In relation to clause 12, currently the staff that support the Independent Gambling Authority fall within the treasury and finance portfolio, and I am advised that employer obligations fall on both the department and the authority. The government is proposing to simplify the employment arrangements and ensure that responsibility for meeting employer obligations falls unambiguously on a department. The statutory independence of the Independent Gambling Authority is not affected by this change.

The bill makes it clear that if there is inconsistency between directions from the chief executive of the department and the direction from the Independent Gambling Authority relating to the functions, then the direction of the Independent Gambling Authority prevails.

The Hon. Tammy Franks' contribution addressed the important matter of South Australia's barring arrangements. The government takes its responsibility for providing a framework to support people with gambling problems very seriously. A total of \$6.2 million is made available each year to the Gamblers Rehabilitation Fund. The fund is administered by the Office for Problem Gambling and supports a statewide network of gambling help services.

The Independent Gambling Authority has undertaken significant work in developing and implementing new barring arrangements. These arrangements, which commenced on 1 July 2014, achieved consistent whole of gambling sector wide barring arrangements for the first time and offered significant improvements to venues and the people seeking to be barred. Nevertheless, the government accepts that there is always opportunity to further improve barring arrangements for the benefit of the community and those individuals involved.

The contribution from the Hon. Tammy Franks outlines a number of examples where she believes the barring arrangements could have been better. The proposed amendment does enable the Independent Gambling Authority to delegate its powers in relation to South Australia's barring arrangements. The decision to do so rests with the Independent Gambling Authority. I understand that the Independent Gambling Authority already has open dialogue with gambling help services, and I would expect that if this bill was successful, a conversation about the role of the gambling help services in relation to barring arrangements would occur.

There are many details that would need to be considered. There may even need to be further minor amendments to the statutory barring arrangements. This parliament should be open to proposals to further fine-tune the regulatory framework that might arise from these conversations.

The Hon. John Darley raised concerns about EFTPOS and the possibility that venues may get around laws relating to EFTPOS. The gaming machine regulations already contain specific measures to deal with this matter. An EFTPOS facility can only be offered if the person operating the EFTPOS facility confirms the withdrawal amount with the person obtaining cash from the EFTPOS facility immediately before the amount is withdrawn. Cash may only be obtained directly from a person operating the EFTPOS facility or from a dispenser in the immediate vicinity of the EFTPOS facility, not being a dispenser that forms part of an automatic teller machine.

The Gaming Machine Regulations enshrine the requirement for face-to-face interaction with customers. What the bill seeks to do is to make sure that the customer is face-to-face with an employee who has benefited from recognised training. This training is required under the act to address gaming operations, responsible gaming, problem gambling identification (including automated risk monitoring), and also precommitment. The advanced training includes low level intervention and referral to gambling help services.

The Hon. John Darley, in his amendments, also proposes to oppose red tape reduction amendments that seek to eliminate the approval of gaming machine area layouts by the Liquor and Gambling Commissioner, and I note that both the commissioner and the Independent Gambling Authority have sufficient powers to address any concerns they may have about gaming machine layout without having to rely on any specific approval power.

Other amendments proposed by the Hon. John Darley largely address policy issues that were dealt with in 2013. The government's policy position has not changed from that time and the government intends to oppose the amendments proposed by the Hon. John Darley. I look forward to the committee stage and commend the bill to the council.

Bill read a second time.

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

*Committee Stage*

In committee.

Clause 1.

**The Hon. G.E. GAGO:** A number of issues were raised during the second reading debate that I now have responses for. I want to take the opportunity at clause 1 to put that information on the record, but I have no intention of proceeding with the rest of the committee stage at this particular point in time.

In relation to some of the questions that were raised in this chamber and also in the other place, the bill seeks to allow the minister to extend the time limit to issue proceedings in two cases under the Work Health and Safety Act 2012. One case involved the death of a worker and the other involved serious injuries to another.

I emphasise again that the advice received is that only two cases fall within the scope of this bill. The bill has been drafted to capture only those matters where the documents initiating proceedings under section 58(7) of the Occupational Health, Safety and Welfare Act were signed by the wrong person and were subsequently withdrawn. I am advised that only two matters meet those requirements.

The reason we are in this position is that a SafeWork SA officer signed the original complaints to initiate proceedings in these matters and it was subsequently discovered that this officer did not have the legal authority to do so. The officer signed the complaints in good faith. It was not a malevolent act: it was human error. They had the authority under the new work health and safety laws but not under the old laws, and the two matters within the scope of this bill fell under the old laws.

However, more significant is the fact that the error could not be fixed because both cases had run out of time. The two-year time limit to initiate proceedings had run its course. This is not the first time that SafeWork SA has run its cases so close to the two-year time limit and it continues to be unacceptable. SafeWork SA is on notice to ensure that this obviously never happens again. There is no excuse for taking two years to file complaints in work health and safety prosecutions.

I am advised that SafeWork SA has completely overhauled its management of its investigation and prosecution files. A new investigation management team has been recruited and the team is also recruiting new staff with specialist investigation skills. Active management of investigation and prosecution files has been strictly formalised with weekly meetings between SafeWork SA's Acting Executive Director, Director of Compliance and Enforcement, and the Manager of Investigations to ensure all files are progressing to a tight time frame.

Investigation plans with clear time frames are monitored regularly between the investigator and their manager. Regular file management meetings have also been set up between senior management at SafeWork SA and the Crown Solicitor's Office to progress prosecution files efficiently when briefs move from SafeWork SA to that office.

A number of key performance indicators have been introduced, including the expectation that 80 per cent of investigation files will be completed within six months and 100 per cent completed within nine months. Performance against these KPIs will be actively managed and individual investigators will be held accountable to ensure that these targets are met.

Some have questioned the issue of fairness in extending the time limit on the businesses concerned. The courts will be able to take into account any disadvantage to the defendants caused by the extension of time. Any court proceedings will allow for a full consideration of all matters relevant to ensuring the interests of justice are served.

The Deputy Leader of the Opposition in another place asked if there had been any compensation paid to the families of the injured workers. Claims for compensation under the Victims of Crime Act 2001 are rare for matters prosecuted by SafeWork SA. This is because workers generally receive workers compensation for injuries sustained at work. Section 17 of the Victims of Crime Act precludes claims where the injury arose from a breach of a statutory duty by an employer and the worker has received, or is entitled to, workers compensation payments.

However, the issue before us today is that it is in the public interest to hold to account employers who may have dangerous workplaces. It is beholden on every single one of us here to uphold that. The government has taken this action to allow two families affected directly by this error to have their day in court. The Deputy Premier made a commitment to the families that he would do his best to overcome the problem, and this bill presents the only solution. It is not acceptable that two workers—one injured and one killed—and their families should not have their grievance explored in court. The facts of these matters should be tested in court.

In conclusion, I reinforce the intention of this bill to address two specific cases—and two only—which had serious consequences for workers and their families. It has been drafted with these limitations in mind. It is in the public interest that these matters are heard and it is in the workers' and families' interest that their experience is validated and that they are supported by the South Australian community by having their day in court. I urge all members to continue their support for this bill.

Clause passed.

Progress reported; committee to sit again.

## **STATUTES AMENDMENT (YOUTH COURT) BILL**

### *Introduction and First Reading*

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

### *Second Reading*

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:40):** I move:

That this bill be now read a second time.

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

Leave granted.

This Government is committed to Transforming Criminal Justice, and delivering a criminal justice system that is just and fair, effective and efficient and accessible. The Statutes Amendment (Youth Court) Bill 2015 is part of that program.

The Youth Court of South Australia was established in 1993 by the *Youth Court Act 1993* ('Youth Court Act'). The Youth Court has jurisdiction in relation to criminal matters involving young people, as well as child protection matters. It also has jurisdiction in relation to adoption and surrogacy matters.

It is important to be clear on some of the things that this Bill does not do. The Bill does not change the jurisdiction of the Youth Court. The Bill will not change the fact that the Youth Court is established as a court of record under stand-alone legislation.

Rather, the Bill focusses on the composition of the Youth Court.

Currently, the Youth Court Act provides that the Youth Court comprises a Senior Judge, judges, magistrates and special justices. The Bill will change this. The principal judicial officer of the Youth Court will be the Judge of the Youth Court. The person appointed to the office of Judge of the Youth Court must be a District Court Judge or the Chief Magistrate. The remaining judicial officers on the Youth Court will be magistrates and special justices.

To facilitate this change to the composition of the Youth Court, the Bill also makes changes to ensure that the day to day work of the Court is able to be undertaken by magistrates. This includes by enabling magistrates to hear major indictable matters.

The *Statutes Amendment (Courts Efficiency Reforms) Act 2012* made changes to allow magistrates in both the Magistrates Court and the Youth Court to determine and impose sentences in major indictable matters where the accused person pleads guilty. The Bill takes the next step by allowing magistrates in the Youth Court to hear and determine major indictable trials.

There are a number of points that I would like to make in this regard.

First, magistrates deal with serious criminal matters on a daily basis. They manage repeat offenders and antisocial behaviours.

Secondly, in the Youth Court, there are very few major indictable matters that proceed to trial. I am advised by the Chief Justice that, in 2012-13, the number of major indictable matters listed for trial was 52. Of those, 12 proceeded to trial. In 2013-14, 28 major indictable matters were listed for trial. Of those, only four actually proceeded to trial.

Thirdly, the classification of an offence does not necessarily reflect the complexity of a trial. It is the case that there are minor indictable matters that are complex, and major indictable matters that are straightforward.

As such, I have formed the view that it is appropriate that magistrates in the Youth Court who specialise in youth justice should be able to hear and determine major indictable trials.

The Bill makes other changes that will enable the work of the Youth Court to be shared amongst the magistrates of the Youth Court. These include:

- allowing magistrates to impose a sentence of detention of up to three years. This is the maximum period of detention that can be imposed when sentencing a person as a youth under the *Young Offenders Act 1993*. This change is in line with the position in the Magistrates Court, where magistrates can impose sentences of imprisonment of up to 5 years; and
- allowing magistrates to hear applications for extensions of time on an investigation and assessment order under the *Children's Protection Act 1993*; and
- allowing magistrates to hear applications under the *Adoption Act 1988* and the *Family Relationships Act 1975*.

I now turn to the details of the Bill.

Clause 4 makes changes to section 9 of the Youth Court Act, which relates to the Youth Court's judiciary. It provides that the Court will comprise the Judge of the Youth Court, magistrates and special justices. At least two magistrates appointed to the Youth Court must be members of the Court's principal judiciary. This means that they are to be predominantly occupied in the Court. This will help to ensure that there are magistrates in the Youth Court who have expertise and experience in dealing with youth justice and child protection issues.

Clause 4 also makes changes to section 10 of the Youth Court Act, which will now be headed 'Court's principal judicial officer'. Section 10 will provide that the Judge must be a District Court Judge or the Chief Magistrate.

The Bill removes any requirement for the Judge of the Youth Court to be predominantly occupied in the Court. The Bill allows the Judge of the Youth Court to delegate his or her powers. It also provides that the Judge of the Youth Court (unless the Chief Magistrate is appointed to the role) will be responsible to the Chief Judge of the District Court for the proper and efficient discharge of his or her duties under the Youth Court Act and the *District Court Act 1991*.

Clause 7 makes changes to section 14 of the Youth Court Act, which relates to the constitution of the Youth Court. The changes remove the limitation on magistrates hearing major indictable matters, and clarify that special justices cannot hear major indictable matters. The changes also provide for magistrates to impose sentences of detention of up to 3 years.

Clause 9 amends the appeal mechanisms to reflect the new composition of the Youth Court. In relation to a decision of a magistrate on a major indictable matter, the appeal lies to the Full Court of the Supreme Court. There is scope in the Youth Court Act for the Chief Justice of the Supreme Court to determine that the Full Court is to be constituted of only two judges for that purpose.

The Bill also contains amendments to the *Young Offenders Act 1993*, *Adoption Act 1988*, *Children's Protection Act 1993*, *Family Relationships Act 1975* and *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*. These are all amendments that are either consequential on the changes to the composition of the Youth Court, or amendments that are required to ensure that the day to day work of the Youth Court is able to be exercised by the magistrates of the Youth Court.

I would like to thank all organisations who provided comments and feedback on the Bill.

I commend the Bill to the House.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Youth Court Act 1993*

###### 4—Substitution of sections 9 and 10

It is proposed to repeal both sections 9 and 10 and replace them with new sections that make provision for the constitution of the Youth Court's judiciary and its principal judicial officer, the Judge of the Court.

###### 9—Court's judiciary

The Court's judiciary is to consist of—

- the Judge of the Court; and
- magistrates who are designated by proclamation as magistrates of the Court; and
- special justices who are designated by proclamation as special justices of the Court.

A proclamation designating a magistrate or special justice as a member of the Court's judiciary must classify him or her as a member of the Court's principal judiciary or as a member of the Court's ancillary judiciary and, if the person is designated as a member of the Court's principal judiciary, must state a term for which he or she is to be a member of the Court's principal judiciary. A proclamation under this section may be varied or revoked by subsequent proclamation. At least 2 of the magistrates of the Court must be designated as members of the Court's principal judiciary.

The fact that a judicial officer is a member of the Court's judiciary does not prevent the judicial officer from performing judicial functions unrelated to the Court.

###### 10—Court's principal judicial officer

The Judge of the Court is the principal judicial officer of the Court with responsibility for the administration of the Court. A District Court Judge, or the Chief Magistrate, will be designated by proclamation to be the Judge of the Court for the term stated in the proclamation (which may not be longer than 5 years). A proclamation under this proposed section may be varied or revoked by subsequent proclamation and a previous designation as Judge of the Court does not prevent the office holder from being designated by subsequent proclamation to a further term as Judge of the Court. The proposed section makes further provision relating to the office of the Judge of the Court, including giving the Judge of the Court the power to delegate a power or function conferred on the



Judge of the Court under the *Youth Court Act 1993* or another Act to a magistrate who is a member of the Court's principal judiciary. The appointment of a person as the Judge of the Court does not prevent the person while holding such office—

- if he or she is a District Court Judge—from simultaneously holding the office, and performing the duties and exercising the powers, of a Judge of the District Court; or
- if he or she is the Chief Magistrate—from simultaneously holding office, and performing the duties and exercising the powers, of the Chief Magistrate.

5—Amendment of Section 12—Registrar

6—Amendment of Section 13—Responsibilities of staff

The amendments proposed to sections 12 and 13 are consequential.

7—Amendment of section 14—Constitution of Court

Apart from the proposed amendment to section 14(2), the proposed amendments are consequential. The other amendment proposes to increase a sentence of detention that may be imposed in criminal proceedings to 3 years (rather than 2 years as is the current upper limit that may be imposed).

8—Amendment of section 15—Time and place of sittings

The proposed amendment to section 15 is consequential.

9—Amendment of section 22—Appeals

The amendments proposed to section 22 are consequential and also make it clear that an appeal against any judgment given in proceedings in the Youth Court are to be made in accordance with the rules of the appellate court. An appeal against an interlocutory judgment given by the Judge of the Court or any judgment given by a magistrate will lie to the Supreme Court constituted of a single judge. In the case of any other judgment given by the Judge of the Court, or a conviction or sentence imposed by a magistrate in relation to a major indictable offence, an appeal will lie to the Full Court of the Supreme Court. Appeals against interlocutory judgments given by magistrates and special justices, and any other judgments given by special justices, will lie to the Judge of the Court.

10—Amendment of section 32—Rules of Court

The amendment proposed to section 32 is consequential.

11—Transitional provision

This provision clarifies issues of a transitional nature resulting from the proposed amendments to the Act.

Part 3—Amendment of *Young Offenders Act 1993*

12—Amendment of section 4—Interpretation

The proposed amendment will delete the definition of Judge and instead rely on its use in context.

13—Amendment of section 9—Youth Justice Co-ordinators

The proposed amendments to section 9 are consequential on the changes proposed to the *Youth Court Act 1993* in relation to the constitution of the Youth Court's judiciary.

14—Amendment of section 28—Power to disqualify from holding driver's licence

This proposed amendment is consequential.

15—Amendment of section 38—Establishment of Training Centre Review Board

The proposed amendment to section 38(2)(a) is related to other amendments to the proposed amendment to the constitution of the Youth Court. It is proposed that section 32(2)(a) will provide that the Judge of the Court and the magistrates who are principal members of the judiciary of the Youth Court will be members of the Training Centre Review Board.

16—Amendment of section 39—Reviews etc and proceedings of Training Centre Review Board

The amendments proposed to this section are consequential on the amendments proposed to section 38.

17—Amendment of section 63—Transfer of youths in detention to other training centre or prison

The proposed amendments to section 63 will allow applications under this section to be made to the Judge of the Court or a magistrate of the Court.

Part 4—Amendment of *Adoption Act 1988*

18—Amendment of section 4—Interpretation

The proposed amendments to section 4 are consequential on the changes proposed to the *Youth Court Act 1993*.

Part 5—Amendment of *Children's Protection Act 1993*

19—Amendment of section 6—Interpretation

20—Amendment of section 21—Orders Court may make

21—Amendment of section 29—Convening a family care meeting

The proposed amendments to the *Children's Protection Act 1993* are consequential on the changes proposed to the *Youth Court Act 1993*.

Part 6—Amendment of *Family Relationships Act 1975*

22—Amendment of section 10EA—Court order relating to paternity

23—Amendment of section 10HB—Orders as to parents of child born under recognised surrogacy arrangements

24—Amendment of section 10HG—Power of Court to cure irregularities

The proposed amendments to the *Family Relationships Act 1975* are consequential on the changes proposed to the *Youth Court Act 1993*.

Part 7—Amendment of *Judicial Administration (Auxiliary Appointments and Powers) Act 1988*

25—Amendment of section 2—Interpretation

The proposed amendment to section 2 will delete the reference to a 'Judge of the Youth Court' from the definition of judicial office. This means that an auxiliary appointment to that office will not be able to be made under this Act.

26—Amendment of section 3—Appointment of judicial auxiliaries

This proposed amendment is consequential on the amendment proposed in the previous clause.

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

## **CRIMINAL LAW (FORENSIC PROCEDURES) (BLOOD TESTING FOR DISEASES) AMENDMENT BILL**

### *Introduction and First Reading*

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

### *Second Reading*

**The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:41):** I move:

That this bill be now read a second time.

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

Leave granted.

At the last State election the Government committed to introduce legislation to require an offender who bites or spits at a police officer to undertake a blood test for infectious diseases. This Bill, the *Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill 2015* delivers on that commitment. A similar Bill was introduced by the Government in 2014 and lapsed when Parliament was prorogued.

That Bill dealt only with protection to police officers. The current Bill has been extended beyond police officers to cover other categories of emergency workers who may also be at risk of contracting an infectious disease owing to violence inflicted on them in the course of their occupations.

Currently, in circumstances where an emergency worker is exposed to bodily fluids capable of transmitting an infectious disease, there is no means by which to compel the individual to provide a blood sample for the purpose of testing for infectious diseases. Approximately 700 police officers are assaulted in the line of duty each year. Many of these assaults, between 250 and 350 a year according to SAPOL figures, result in one or more officers coming into contact with an offenders bodily fluids and thus being put at risk of contracting an infectious disease.

Occupational violence is not confined to police officers. Other emergency workers are also assaulted in the course of their occupation including in circumstances where there is the risk of the transmission of an infectious disease. Research indicates that medical and nursing staff in accident and emergency wards and paramedics are at an equal, if not greater, risk of contracting an infectious disease as a result of being assaulted in the course of their

occupations. Currently SAPOL offers blood testing to any officer who has had contact with an offender's bodily fluids, and is therefore at risk of having been exposed to, or contracted, an infectious disease. However, there is no obligation on an offender to be tested.

The current Bill builds on the existing framework in the *Criminal Law (Forensic Procedures) Act 2008* and provides that any offender who is reasonably suspected of having committed a specified offence of violence against a police officer or other stated category of emergency worker can be compelled to undertake a blood test to test for the presence of infectious diseases where the emergency worker was exposed to the offender's bodily fluids and there is a risk that the emergency worker, in being so exposed, could have contracted an infectious disease.

The specified offences are assault, causing harm, causing serious harm, acts endangering life or creating risk of serious harm, riot, affray, assaulting and hindering police, violent disorder and any other serious offence of violence prescribed by regulation.

The Bill includes safeguards. Consistent with the existing procedures for forensic procedures in the *Criminal Law (Forensic Procedures) Act 2008*, the Bill provides that an offender can only be required to undertake a blood test upon the authorisation (to be recorded in writing) of a 'senior police officer', being an officer of or above the rank of Inspector. Further, the results of any test are inadmissible in any legal proceedings. The Bill also amends section 58 of the *Criminal Law (Forensic Procedures) Act 2008* to make it clear that regulations made under the Act can regulate how tests are to be carried out and to whom the results may be released. These regulations will be drafted in consultation with SAPOL and SA Health.

It is also the intention that senior police officers will have regard to expert guidance of the risks of the transmission of infectious diseases in deciding if testing is appropriate under the Bill. A protocol will be developed between SA Health and SAPOL in close consultation with the Chief Public Health Officer to ensure senior police officers are properly informed and testing under the Bill is performed appropriately.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

###### 4—Amendment of long title

This clause makes an amendment to the long title of the Act consequent upon the measure.

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

This clause substitutes the definition of suspects procedure in section 3 of the principal Act.

###### 6—Insertion of Part 2 Division 4

This clause inserts a new Division 4 into Part 2 of the principal Act as follows:

###### Division 4—Blood testing of certain persons for communicable diseases

###### 20A—Interpretation

New section 20A defines key terms used in the new Division 4.

###### 20B—Senior police officer may require certain persons to provide blood sample

New section 20B allows a senior police officer to authorise the taking of blood from a suspect in the circumstances set out in subsection (1), and makes related procedural provisions.

###### 7—Amendment of section 31—Use of force

This clause makes a consequential amendment.

###### 8—Insertion of section 34A

This clause inserts new section 34A into the principal Act, which prevents forensic material obtained under new Part 2 Division 4 from being used for purposes other than testing the material for communicable diseases.

###### 9—Insertion of section 39A

This clause inserts new section 39A into the principal Act, which requires the destruction of forensic material obtained under new Part 2 Division 4 as soon as is reasonably practicable after the material has been tested for communicable diseases in accordance with new section 34A.

10—Insertion of section 48A

This clause inserts new section 48A into the principal Act, which renders inadmissible specified results, admissions and statements relating to operation of new Part 2 Division 4, and prevents the reliance on those things to ground the obtaining or use of search warrants or powers.

11—Amendment of section 58—Regulations

This clause amends section 59(2) of the principal Act to enable regulations to be made under the Act in relation to the operation of new Part 2 Division 4.

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

At 17:41 the council adjourned until Thursday 14 May 2015 at 14:15.