LEGISLATIVE COUNCIL

Tuesday, 2 June 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:18 and read prayers.

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

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

WORK HEALTH AND SAFETY (PROSECUTIONS UNDER REPEALED ACT) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Park Lands Lease Agreement Between the Corporation of the City of Adelaide and the Minister for Health

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

Regulations under the following Act—
Work Health and Safety Act 2012—Prescription of Fee

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

Notice under Various Acts—Casino Act 1997—
Gambling Codes of Practice—Premium Gaming

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

Regulations under the following Acts—
Advance Care Directives Act 2013—
Miscellaneous
Referral
Consent to Medical Treatment and Palliative Care Act 1995—
Health Practitioners
Referral
Primary Industry Funding Schemes Act 1998—Cattle Industry Fund
Rates and Land Tax Remission Act 1986—Remission

Regulations under National Schemes—
Co-operatives National Regulations under the Co-operatives (Adoption of National Law) Act 2012
Rules under Acts—
Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013—Lifetime Support Scheme

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

Regulations under the following Acts—
Harbors and Navigation Act 1993—Fees
Marine Safety (Domestic Commercial Vessel) National Law (Application) Act 2013—Fees
Motor Vehicles Act 1959—
Fees
National Heavy Vehicle Registration Fees

Ministerial Statement

CHINA TRADE

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:22): I table a copy of a ministerial statement, relating to the China trade mission, made earlier today in another place by my colleague the Premier, the Hon. Jay Weatherill.

SCHOOLS CODE OF CONDUCT

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:29): I table a copy of a ministerial statement, relating to a code of conduct for schools, made earlier today in another place by my colleague the Minister for Education and Child Development.

Question Time

WORKREADY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): My question is to the Minister for Employment, Higher Education and Skills. Will the government now suspend the changes made to the WorkReady funding allocations made last Friday, given the response highlighting the growing job loss impact of that policy?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:30): I thank the honourable member for his most important question. It's important to put on the record that significant additional once-off funding was made available to fund our training target of an additional 100,000 training positions. We achieved that within the first three years and those funds have been fully expended.

We announced WorkReady back in April. That was a training model that we had spent a lot of time consulting with the industry on. It was embraced by the industry and well supported by the industry, so we know that we got the principles of the system right. However, where there has been concern is over how the positions are translating to the number of new enrolments for 2015-16. In 2015-16, we plan to fund 81,000 training positions, which is actually slightly more than this year, so those reports saying that we are reducing training are absolutely incorrect. We are actually funding more training positions next year than this year.

However, because of the current pipeline load in our training system, because of the additional training activity that has occurred over the last couple years in response to that additional money, we have an almost unprecedented enrolment load in the system, so just under 40 per cent of subsidised positions will go to fulfil the training commitments of those people already in the system.

The government is committed to doing that. We have agreed to honour that ongoing commitment, so all of those people in the system will be subsidised at the level at which they enrolled.

That, however, does put some restrictions on the number of subsidised places for new enrolments. That pressure will be relieved, however, in 2016-17 because, as students complete their qualifications and move out of training, those funds will be able to be made available to subsidised new enrolled positions. So, really, 2015-16 is the year that is particularly difficult for us.

We have made a policy decision that we are committed to support TAFE through a period of transition to move to more flexible and more innovative training systems and models and be able to transition into becoming more sustainable and more competitive in the marketplace. I have given them until 2018-19 to reach dollar for dollar parity with the private sector in relation to commercial training activity. WorkReady will be phased in over three phases and, at the end of this, we will have a highly competitive and contestable training marketplace.

Yes, we did overachieve when it came to reaching our target ahead of time. We did overachieve: we achieved our 100,000 additional training places ahead of time. It is also worth knowing that when once-off additional funds were made available, the private sector, as well as TAFE took full advantage of that additional money in the system. They grew their businesses, new businesses moved into the marketplace, and they enjoyed that additional once-off money.

We made it very clear at the time that those additional funds were to achieve our 100,000 additional training places, and so the sector was well aware that it was new and additional money, that it was there for a specific purpose and it was not going to be ongoing. It's not surprising now that we see, as the sector expanded when the additional money was made available, it now contracting.

I have given a commitment to this sector. We have said from the outset, when we negotiated extensively with our subsidised training list—1,500 submissions we had from the sector, so they were fully engaged—we said at the time that we may not have got it quite right, that we would continue a dialogue with the sector and that we will continue to make those changes that we need to get it right. However, change is on its way. The principles underpinning WorkReady are sound, and we have indicated that we will continue a dialogue with the sector and make those changes where we can to try to minimise the impact, a negative impact, on the sector wherever we can.

The objective at the end of this is to have a sustainable, efficient, contestable training system that will lead the nation. It will be highly focused on placing government money; taxpayers' money will be focused on achieving real job outcomes in current jobs and emerging industry in line with government priorities.

WORKREADY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): A supplementary question: can the minister explain why she announced the WorkReady subsidised training list just hours before she boarded a plane to China?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:38): Those announcements were made as soon as I possibly could to give the industry as much time as possible to consider this. I was here for at least a couple of days, and dealt with media at the time, and I was available whilst I was away, wherever possible.

I conducted media interviews with Byner on FIVEaa, and also a media interview with Henschke, and I offered Matt and Dave I think it was two different time spots for a prerecord. I wasn't available at the times they nominated, but I did nominate two other alternate times. I was available whenever I could, given the extremely busy itinerary I had while I was away. I don't really believe that the Hon. David Ridgway is saying that I should have delayed publishing the list for another week or for another 10 days—

Members interjecting:

The Hon. G.E. GAGO: It wasn't available then. We had an extensive process involving the industry—extensive involvement of the industry to land on that list—

The Hon. D.W. Ridgway: That's not what the industry says.

The Hon. G.E. GAGO: Well, they are saying that. When it comes to consultation with the subsidised training list, they were involved. We received 1,500 submissions from the sector in relation to that training list, so it is nonsense to suggest that we did not consult. We have given the industry a particular time to enable that comprehensive consultation to occur, and then the publication of that list was made after that. It would have been irresponsible of me to delay that a further 10 days, putting the industry at a disadvantage, and I am sure the Hon. David Ridgway is not suggesting that.

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:40): My question is to the Minister for Employment, Higher Education and Skills. Can the minister confirm that under the 2014 budget the number of full-time employees of TAFE was reduced by more than 500 by the 2016-17 financial year?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:40): The Hon. David Ridgway full knows that staffing matters are a matter for TAFE—an independent statutory organisation. Those staffing decisions are made by their own board. Their figures are available in their reports that are tabled here in parliament.

Members interjecting:

The PRESIDENT: Order! There are five of you trying to speak over the minister. The minister has the floor. She is answering your question. Give her the respect to be able to do that.

The Hon. G.E. GAGO: Thank you, Mr President. As the honourable member knows, he is welcome to refer those detailed questions to TAFE themselves.

TAFE SA

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:41): Supplementary question: is the minister saying of the budget, which we will see here in a fortnight's time, that she is not responsible for one line under her portfolios?

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) (14:41): I have spoken about the issue of the caps in the budget on FTEs in relation to TAFE. I have already indicated in this place that those figures are an administrative figure, that they do not reflect the full value of revenue raised, fee for service, international students, so TAFE in turn makes adjustments to their staffing numbers throughout the year in line with their revenue. It is not just subsidised revenue—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —involved in their budget.

VOCATIONAL EDUCATION AND TRAINING

The Hon. J.M.A. LENSINK (14:42): My question is to the Minister for Employment, Higher Education and Skills. What does the minister say to up to 1,000 staff in non-government training who will lose their jobs because of the Weatherill Labor government's changes to job training programs?

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) (14:42): I say what absolute hypocrisy coming from the members opposite. What absolute hypocrisy! We see the federal Liberal government refuse to subsidise the private sector here in South Australia—Holden's—to the tune of 1,700 direct jobs being

got rid of; 6,000—and this was a direct decision of your mates in Canberra, your Liberal mates in Canberra, so it is okay for your—

Members interjecting:

The PRESIDENT: Order! Minister, sit down. The minister is answering the question. You might not like the answer, but unfortunately you have to listen to the answer and let it continue. Minister.

The Hon. G.E. GAGO: Yes, Mr President. It is one rule—

The Hon. T.A. FRANKS: Point of order, Mr President: the minister is responding directly to the Liberal opposition and not directing her answer through yourself.

The PRESIDENT: Respond through the Chair, minister.

The Hon. G.E. GAGO: As I always do, sir. It is one rule for the Liberals opposite me and another for us, so the Liberal opposition condone their own federal mates for not assisting the private sector here in South Australia, again, to the tune of 1,700 direct jobs—gone or going—and 6,000 jobs in the supply chain, most of which will be gone or affected in a really negative way, and somewhere between—

The Hon. J.S.L. DAWKINS: Point of order, Mr President: the minister is entirely irrelevant to the question that was asked, and I would ask you to direct her to answer the question rather than something that she wishes to talk about.

The PRESIDENT: It is very hard to hear what she is talking about with the Hon. Mr Stephens going on the way he is. The minister is answering the question the way she sees fit. She is talking about jobs or loss of jobs in South Australia, so there may be some relevance.

The Hon. G.E. GAGO: There is relevance, Mr President, and I will draw attention to that relevance. The question that the Hon. Michelle Lensink asked really went to the point of accusing the South Australian government of not being prepared to subsidise private businesses with public money; that was the essence of her question. My response to that is what absolute hypocrisy. The Liberal opposition condones its federal Liberal mates not assisting the private industry here in South Australia. They would not assist Holden to the tune—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens is out of order.

The Hon. G.E. GAGO: —of 1,700 jobs directly either gone or to go. That is 1,700 jobs, and 6,000 jobs in the supply chain and somewhere between 13,000 and 23,000 jobs indirectly impacted. What absolute hypocrisy.

VOCATIONAL EDUCATION AND TRAINING

The Hon. J.M.A. LENSINK (14:46): I have a supplementary. Does the minister have such contempt for the staff who work for private and non-government service providers that she is refusing to answer the question and is, in fact, yet again deflecting to Canberra an issue that has nothing to do with my question?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:46): It has everything to do with the question. I have already outlined the relevance, and they are squirming with embarrassment, absolutely squirming with embarrassment. Underpinning the question is the innuendo that the South Australian government is refusing to support or use public money to subsidise private training providers. At the same time there is the absolute hypocrisy of the federal Liberal government abandoning South Australia's Holden private sector. Thousands and thousands and thousands and thousands of jobs are being impacted on.

However, in relation to the further answer to the question I have already put that on the record. In answering the Hon. David Ridgway I have already outlined that there were—

The Hon. J.M.A. Lensink: No, you have not.

The Hon. G.E. GAGO: I will go through it again then, Mr President; if the honourable member cannot be bothered listening to the answer that I gave previously, which included the answer to her question, I will go through it again for her benefit. I hope she is awake this time to listen to the answer. As I indicated, significant additional money was made available over the past number of years to enable us to achieve our target of 100,000 additional training positions. We achieved that target ahead of time, and those funds have been fully expended.

We have a private sector and a TAFE sector that stepped in at the time and took full advantage of the additional once-off money. They were aware that it was once-off additional money, but nevertheless took advantage of it at the time. Some grew their businesses, some new businesses came into the market. That money has been fully expended, and we have achieved our target of 100,000 additional training positions well ahead of time, which is a very good thing. It is not surprising that we now have a private sector that is contracting as those funds, as I said, have been fully expended.

I have previously indicated, but will say it again for the benefit of the Hon. Michelle Lensink who obviously did not hear it the first time, that we continue to engage with the private sector and we will continue a dialogue with them. I indicated at the outset that we would continue to work to get this right, that we would continue to try to minimise any negative impacts on them.

However, change is on its way. As I said, we have shifted significantly in terms of funding. Nevertheless, even in these difficult times, we are still able to fund 81,000 training places for next year; that is slightly more than this year. I have indicated that those reports saying that we were cutting training are quite wrong: we are in fact going to be able to increase training. I have already indicated in this place why we made a policy decision to support TAFE for the short term, in terms of an additional proportion of subsidised funding for new enrolments going to them for 2015-16.

I have talked about this very large pipeline impact that is consuming funds that ordinarily would have been spent on new enrolments. That is going to be particularly challenging for us in 2015-16. Nevertheless, there will be relief after that, as completions occur. Those funds from those places will be able to be directed towards subsidising for new enrolments and will be available in a contestable way.

The PRESIDENT: The Hon. Mr Wade, supplementary.

WORKREADY

The Hon. S.G. WADE (14:51): I ask the minister: does the minister have an estimate of the net FTE job gain or loss in TAFE in 2015-16 as a result of the WorkReady changes announced last week?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): I have already indicated in this place that TAFE is an independent statutory authority and the specific staffing numbers vary. They are not based just on the subsidised training places; TAFE's business is much larger than that, and TAFE expand and contract their staff as their demand needs.

WORKREADY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:51): Supplementary: minister, clearly you are not ruling out the fact that there will be a 500-job reduction in TAFE. Are you also confirming there will be 1,000 private sector trainers losing their positions as well?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): No, I am not confirming that at all.

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

WORKREADY

The Hon. S.G. WADE (14:52): If the minister claims that she is not aware of the TAFE job impact, why is it reported in the InDaily of yesterday that she said that she did not believe the impact would be large?

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The honourable minister, the opposition spokesman had the floor, so it would be good if you refrained from making comments. Do you want to repeat that question?

The Hon. S.G. WADE: Given that the minister has advised the council that she does not know the TAFE job impact, how did she come to be quoted on ABC radio yesterday—

The Hon. I.K. Hunter interjecting:

The Hon. S.G. WADE: Mr President, can I have the call, please?

The PRESIDENT: Minister, please show the same respect I expect from the opposition to ministers answering questions. So, just desist from interrupting when a member is asking a question. The Hon. Mr Wade.

The Hon. S.G. WADE: Given that the minister—

The Hon. G.E. Gago interjecting:

The Hon. S.G. WADE: I think the minister might find it harder to respond to my question if she didn't hear it.

Members interjecting:

The PRESIDENT: The Hon. Mr Wade.

The Hon. S.G. WADE: My question to the minister is: given that she says that she does not know the impact on TAFE of this decision, in terms of employment, how did she advise ABC radio yesterday morning that she does not believe the impact will be large?

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) (14:53): Both of those assertions are incorrect, so I refute those. What I did say on radio was that I didn't believe that the impact would be as large as what some were indicating—

Members interjecting:

The PRESIDENT: Is something funny?

The Hon. G.E. GAGO: I can't believe that the Hon. Rob Lucas is laughing at these challenges that the private sector is facing. I cannot believe that he sits there, smirking and laughing, at this really challenging time that this sector is facing. He thinks it's funny; he's giggling away. I can't believe that, Mr President. It's absolutely hideous. They should show some respect.

What I did say on radio was based on the fact that we have already met with a number of private providers who have raised concerns. They have indicated a particular impact they believed the changes were going to make on them and, when we unpicked their particular business case, it was found that it was going to have nowhere near that impact because there were elements they have not taken into consideration and there were elements around the pipeline subsidy that had not been taken into consideration as well, particularly in relation to Jobs First, which is a separate bucket of money.

When we were able to make these providers aware of that, it certainly had the potential to lessen negative impacts on their businesses. They obviously need to go away to rethink and redo that. Clearly, we're not going to be able to eliminate all of that challenge but, where we have been able to, we have sat down and worked through specific business cases and have been able to minimise the impact wherever we can.

INTERNATIONAL STUDENTS

The Hon. G.A. KANDELAARS (14:55): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the recent trade delegation to China.

Leave granted.

The Hon. G.A. KANDELAARS: International education is South Australia's largest service sector export and the second biggest overall export earner and it accounts for more than 6,500 local jobs. In fact, China remains the most important country for South Australia in terms of student numbers. International students have become an integral part of South Australia's cultural, social and economic fabric. Can the minister advise the chamber of the outcomes for higher education, training and science from the recent South Australian trade delegation to China?

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): I thank the honourable member for his question. South Australia's sister state relationship with Shandong is almost 30 years old—29 years old to be exact. It offers us a wonderful opportunity for exchanges and collaborations. The 2015 Shandong-South Australia cooperation and development forum has resulted in new depths of partnerships between the two regions. In fact, in just a week, 21 memorandums of understanding were signed, which will result in new trade, investment and research and other development activity between our regions, generating new jobs and wealth here in South Australia.

Over the past week, I met with key government and business groups to promote South Australia as a safe, friendly state, with world-class higher education institutions. I was able to meet with the Deputy Director-General of the Shandong Education Department, Mr Zhang, and other officials to explore further opportunities for stronger ties in education, training and research between the two regions.

There were some great education outcomes achieved during the trip: UniSA signed multiple memorandums of understanding, which include an MOU with Shandong University, to establish the China Australia Joint Innovation Centre for Cell Therapy; an MOU with Shandong University over the joint collaborative degree program in pharmaceutical science; an MOU with Shandong University, Tourism SA and Shandong Tourism Administration Commission to establish China Australia Centre for Tourism, Events and Cultural Management; an MOU on cultural exchange with the Adelaide Festival Centre, Shandong Provincial Department of Culture; and an MOU on nursing research and education collaboration with Shandong University School of Nursing.

TAFE SA signed a significant MOU with the Qingdao No. 6 High School, the city's top design school, to collaborate on courses providing pathways to university through TAFE SA creative industry-related programs, such as graphic design, interior design, fashion and landscape. No. 6 high school is the top art-focused public high school in Qingdao.

Private training provider, Hessel Group, signed an MOU with a leading childcare provider, PKU College, in Beijing, to deliver Australian-style training and staff development to teachers and principals working in preschools. Together they will launch a joint program featuring online study together with a practicum study in Adelaide so the group will actually spend part of its time here in Adelaide as part of the course.

I was able to attend the announcement of the winner of the StudyAdelaide Amazing Ambassador Recruitment Campaign, an amazing young woman, Ms Wang Dan from Qingdao. Wang will travel to South Australia in July to tour the state and undertake a four-week English course and visit South Australia's universities as well as tourism spots. Wang will share her experience here in Adelaide through social media showcasing the city to prospective Chinese students. She is truly an amazing young lady and incredibly articulate, and I think she will do a wonderful job at promoting the wonderful education experiences here in Adelaide.

International students are extremely important, and I had an opportunity to attend a reception and meet around 30 of the UniSA alumni in Beijing and to hear about their experiences and how their South Australian education has helped prepare them as leaders of business and industry. What

better way to promote education than to share positive experiences of how South Australian university education has supported these people to succeed in their chosen fields. Furthermore, new relationships with education agents were also formed in Jinan and strengthened in Qingdao, supported by those institutions travelling with the delegation, which will assist in attracting international students to Adelaide.

Another outcome of the visit was a heads of agreement signing between five innovative South Australian high-tech companies here that will enable each company to gain a presence in China through the use of SinoSA House platform in the high-tech zone in Qingdao. SinoSA is a joint initiative between our government and Shandong officials and will assist local companies to establish subsidiaries in China and to reach into those markets. South Australia is an entrepreneurial state and we are obviously focused on international engagement and developing crucial links with emerging and expanding international markets.

It was an extremely busy and productive trip and I certainly look forward to continuing that work with the Shandong province and to welcome their delegation here to South Australia in September.

FUR SEALS

The Hon. J.A. DARLEY (15:02): I seek leave to make a brief explanation before asking a question of the Minister for Sustainability, Environment and Conversation about long-nosed fur seals.

Leave granted.

The Hon. J.A. DARLEY: I was recently contacted by a constituent who advised that long-nosed fur seals are now inhabiting Lake Alexandrina and the Coorong. I am advised that long-nosed fur seals are known as the foxes of the sea and can be extremely destructive to the environment. Can the minister advise what action, if any, has been taken in response to these fur seals?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:03): I thank the honourable member for his most important question. The South Australian government does not support culling of long-nosed fur seals. In fact, it is important to understand that long-nosed fur seals are an important part of our South Australian environment. The honourable member across from me asked why the name was changed, and I will come to that in a moment, but she should understand that the old name was also changed about 80 or 90 years ago to the name that no longer stands, for reasons which I will come to in a minute when I get through my very long explanation.

Marine industries such as aquaculture and the Coorong and Lower Lakes fishery understand that they should invest in socially acceptable solutions for their industries. The reputation of these industries is central to their ability to market their produce domestically and internationally. The South Australian government, through Primary Industries and Regions SA and the Department of Environment, Water and Natural Resources, is currently working very closely with the industry to identify solutions.

It is very important to note that the industry itself has gone out of its way to get for itself a sustainable fisheries credential, and internationally recognised, so it is vitally important that we help them to control the issues in their fishery without resorting to culling, because the international outrage around the culling of seals would be tremendous and it would be very damaging to those local industries.

Historically, seals were hunted in Australia, and the population was decimated by the beginning of the 19th century. Since hunting has ceased, the number of long-nosed fur seals in South Australian waters has recovered over the last 100 or so years to an estimated number now of about 100,000 animals across the state. This recovery of the state and nationally protected species has brought economic benefits to South Australia through wildlife tourism on Kangaroo Island and the West Coast region. If you just think for a moment about one of our great tourist assets or icons for the state, it is Seal Bay on Kangaroo Island. Can you imagine—

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

The Hon. I.K. HUNTER: If you go to Kangaroo Island, the Hon. Michelle Lensink, you will see three species of seal cohabiting together around Cape de Couedic and other parts, where they haul out onto the beaches and the rocks—

The Hon. J.M.A. Lensink: That's what Cory was talking about!

The Hon. I.K. HUNTER: —they inhabit together. I won't be distracted by salacious comments made by Senator Cory Bernardi that the Hon. Michelle Lensink is offering up to me right now. But, if she has a text message about that, I would love to see it afterwards.

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: Indeed. This recovery of state and nationally protected species has brought great benefits to the state. It also has the potential to impact some fish farms and wild catch fisheries, including the Coorong and Lower Lakes commercial fishery, which developed during a period when seal numbers were low. This impact is best dealt with by industry and government working together to identify solutions and through industry investing in new techniques, equipment and changing practices, not by killing seals.

The Department of Environment, Water and Natural Resources is currently working with Primary Industries and Regions SA, affected industry peak bodies and community groups, including the Ngarrindjeri Regional Authority, as they all look to develop socially acceptable solutions that will work in the long term. The next meeting, I am advised, is scheduled for 9 June to further investigate the options available, such as the use of bangers, otherwise known as seal scarers, to deter seals from nets. Bangers are not lethal to fur seals, I am advised: they emit a soundwave that is uncomfortable. I am advised that bangers are currently used successfully by fishers in Tasmania when they have fish in the net and want to keep seals away.

Experience from Australia and elsewhere in the world has shown that site-specific lethal options for fur seal control are ineffective. The number of non-lethal options available to manage fur seal populations is limited, however. Sterilisation, of course, is technically very difficult, very expensive and may have welfare implications for individual animals. Translocation is not effective because seals can swim very long distances and often return to their original location. I am advised that improved fish farm design and changed fishing practices are very likely to be the most effective approach.

I know it is often tempting to grasp for short-term solutions, such as removing seals from local problem areas, but it is not a rational way to approach a complex environmental issue. It has been the subject of human interference for close to 200 years. Instead, we need to consider the complex marine systems and their interactions based on the science we have before us and the lessons we have learnt from other jurisdictions.

The government is well aware of the complexity of the issue and is, as I said earlier, working with stakeholders to arrive at a long-term and sustainable solution. The department is also currently working to develop a statewide policy to guide the management of long-nosed fur seals, and other pinnipeds, together with PIRSA, industry bodies and other stakeholders. This policy encourages a living with wildlife approach through using different fishing practice and/or fishing gear. I am advised that the policy will give industry clear guidance on any appropriate and legal means they may develop to reduce the impact of seal and sea lion species on fishing operations. I am advised that the draft policy is currently being circulated for stakeholder consultation.

In regard to the Hon. Michelle Lensink's not quite supplementary—

The Hon. S.G. Wade: Salacious.

The Hon. I.K. HUNTER: Indeed, salacious, as the Hon. Mr Wade highlights for me. The common name, 'New Zealand fur seal', is both misleading and inaccurate. Long-nosed fur seals are native to South Australia, as well as four other states along the southern Australian coast. Two prominent South Australian scientists from the South Australian Research and Development Institute and the South Australian Museum have proposed in the scientific journal *Marine Mammal Science* that the common name be changed to long-nosed fur seal. Using the name 'New Zealand fur seal' has led some members of the community to believe that this species is not native to South Australia

and that it has indeed been introduced from New Zealand. As a consequence, there have been calls to cull seals as a feral pest—inaccurate and misleading.

My department has therefore adopted the new common name of 'long-nosed fur seal' for the species, as recommended by those two scientists I noted earlier, and I anticipate that this change in common name will help remove, hopefully, some of the misconceptions that this native seal species is an introduced feral animal: it is not.

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

The Hon. S.G. WADE (15:09): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question relating to skills job training.

Leave granted.

The Hon. S.G. WADE: The government's changes to skills training funding significantly reduce the openness and competitive nature of the training market. Under clause 6 of the National Partnership Agreement on Skills Reform, the Weatherill Labor government commits to, and I quote:

c. encouraging responsiveness in training arrangements by facilitating the operation of a more open and competitive training market;

d. enabling public providers to operate effectively in an environment of greater competition…

My questions are:

1. Given that the government's changes to skills training significantly reduce openness and competition, is the Weatherill government now in breach of the National Partnership Agreement on Skills Reform?

2. Can the minister assure the council that the government's breach of the agreement will not lead to the loss of up to $65 million in commonwealth funding?

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) (15:10): It is absolutely outrageous that Senator Simon Birmingham has threatened to in fact breach the federal government's commitment to the national partnership agreement. South Australia has complied with the national partnership agreement. We have met all our milestones and, what's more, we have exceeded most of those. We have been one of the leading jurisdictions in reforms to the VET sector.

I am absolutely confident that the WorkReady changes being proposed continue to comply with the national partnership agreement, so it's absolutely outrageous that the federal government would now seek to withhold those funds and breach their part in that agreement. They have made a unilateral agreement. They are clearly using this as a political football and for political scaremongering. It's absolutely disgraceful.

The Hon. R.L. Brokenshire: They are not spending taxpayers' money on false advertising.

The Hon. G.E. GAGO: Absolutely disgraceful.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Order, the Hon. Mr Brokenshire!

The Hon. G.E. GAGO: Those moneys go to training providers.

The PRESIDENT: Do not respond to interjections.

The Hon. G.E. GAGO: It's public money.

The PRESIDENT: Speak through the Chair.

The Hon. G.E. GAGO: Taxpayers' money goes to training providers. It provides training.

The PRESIDENT: Can the honourable minister speak through the Chair, please. Just ignore the Hon. Mr Brokenshire.

The Hon. G.E. GAGO: The federal government has unilaterally made a decision to breach its part of the agreement. South Australia has fully complied. We continue to fully comply. We fully comply, and we continue to fully comply. The federal government has indicated that they are willing to breach their part in the national partnership agreement, and it's not the first time.

No-one can trust them. They change the rules midway through, and they are prepared to do this for a bit of political grandstanding at the expense of the industry. These public moneys go into training. That's where they go—into training. Now the federal government are going to breach their part in the national—

The Hon. R.L. Brokenshire: No, they're not.

The Hon. G.E. GAGO: They are. They are indeed. South Australia continues to comply. The federal government are going to breach that agreement and make our training sector suffer. Shame on them!

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

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

The Hon. S.G. WADE (15:13): Senator Birmingham has claimed that the minister has written to him and said that the government will be in compliance again by 2019. Does the minister consider that a three to four-year failure to meet the openness and competitiveness commitments is in fact a non breach?

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) (15:13): It's just gobsmacking. My letter to Senator Birmingham made it absolutely, categorically clear that the South Australian government has met and fully complied with the national partnership agreement—all aspects of it; it's quite a complex thing. We have met all of the milestones and exceeded most of them. I absolutely categorically stated in that—

Members interjecting:

The Hon. G.E. GAGO: —categorically stated in that—

Members interjecting:

The PRESIDENT: It is very rude of members to sit there and mock and make fun of a person when they are speaking, and I don't want to hear any more from opposition members. Minister.

The Hon. G.E. GAGO: My correspondence clearly outlined that we have met and complied with the partnership agreement and that WorkReady continues to comply with those partnership agreements. The correspondence has made that perfectly clear. We have in the past, and what we plan to do is still in compliance, and that is what was in my correspondence. As I said, it not only meets the openness and competitive part of the requirement, but it meets all compliance requirements.

Under WorkReady for 2015-16, the contestable component continues to remain at 25 per cent—25 per cent of our training activity remains contestable. That's more than most other jurisdictions have reached at all, and that's at one of our lower points. So, what does it mean when the federal government is prepared to renege on a deal in a dishonest way—renege on a deal—and what does it mean to all of those other jurisdictions who haven't done anywhere near as well as us? We are still leading; even at 25 per cent we are still way ahead. So what Senator Birmingham is doing is an absolute disgrace, holding our training sector to ransom, and he is prepared to do that for a little bit of political fun. It is a disgrace.

CHINA TRADE

The Hon. J.M. GAZZOLA (15:16): My question is to the Minister for Sustainability, Environment and Natural Resources. Minister, will you inform the chamber about some of the potential benefits arising from the growing South Australia-China relations?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:16): I thank the honourable member for his most important question. As you know, last week the Premier led an almost 250-strong delegation of South Australian business, industry, state and local government representatives to our Chinese sister province of Shandong. The purpose was to develop new trade and investment relationships and build on those established previously. What has emerged is that this is a relationship very much based on reciprocity and mutual interest. It is important that we keep looking for new and innovative ways that we can partner with regions such as Shandong.

We know, for example, that tourism is an industry with enormous growth potential. It already contributes over $5 billion to our state each year and employs more than 30,000 South Australians, I am advised. South Australian international visitor numbers grew over 13 per cent in the 12 months to December 2013—well above the national growth, I have also been advised, while China saw a 40 per cent rise in visitors to also reach an all-time high. We also know that while Chinese visitor numbers make up a large proportion of our international visitors, almost 80 per cent of independent Chinese tourists do not venture beyond major cities.

There is an enormous potential here to grow visitor numbers outside of Adelaide and encourage international visitors to stay a little longer. Cleland Wildlife Park is an iconic South Australian tourism and conservation asset, and over 100,000 people already visit the park every year. The Cleland master plan has identified the need to improve facilities in the park for it to become a real centre of excellence as well as a base for tourists to explore the Adelaide Hills, and it is already being promoted through the Australian exhibit at Ocean Park in Hong Kong which features, of course, Cleland koalas.

It makes great sense to promote this investment opportunity in China, and elsewhere, to develop Cleland into a major tourist destination. This could include, of course, accommodation, local food and wine opportunities, and an international koala centre of excellence where visitors can interact closely with the animals. Through this kind of partnership, we could help establish Cleland and the Adelaide Hills as a truly premium tourist destination for many millions of people.

The delegation to Shandong Province is also resulting in new opportunities for South Australian businesses to export their know-how. For example, China is increasingly turning its attention to environmental protection and South Australia's expertise in clean technology is highly sought after. In particular, our world-leading knowledge and technology expertise has developed and been instrumental in solving South Australia's water problems and can help China address some of the challenges that it is now facing into the future.

We have the highest level of water recycling in Australia, having the capacity to harvest 20 gigalitres of stormwater every year and recycling about 30 per cent of our wastewater. We have addressed the issue of dryland salinity and water logging through the creation of a network of smart channels in the South-East. In addition, South Australia is leading the way globally in many areas, including advanced irrigation efficiency, water harvesting, natural filtration and storage, managed aquifer recharge, water quality testing, small scale regional and decentralised wastewater treatment plants, and the development of robust policy and legislative frameworks. This expertise has attracted the attention of India, the United States and now China.

I was most pleased to learn that during the delegation an MOU was signed between the Shandong Academy of Environmental Planning and the Water Industry Alliance. The MOU opens the way to direct talks to further business relationships with South Australian water companies. These are exceptional outcomes of the recent trade mission to Shandong. I look forward to growing ties with the province and with China as a whole that will mutually benefit our economies.

TAFE SA

The Hon. R.L. BROKENSHIRE (15:20): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills some questions regarding the up and down life of TAFE and training organisations under her leadership.

Leave granted.

The Hon. R.L. BROKENSHIRE: Time and time again over the last several years we have seen reductions in TAFE SA at the same time as we have seen TAFE campuses like Noarlunga seeing massive reductions in lecturers and courses. We have also seen increased youth unemployment, particularly in the southern region. Parallel to that, the government over the last few years have been encouraging and supporting regional registered training organisations in the private sector. My questions are:

1. Given the backflip due to the mess that the minister and her department have created with training, skills and employment opportunities in this state, can the minister explain to the house how in the years 2013 and 2014 TAFE SA provided 377 packages to lecturers? According to Treasury and Finance guidelines, none of these people can be re-employed in the public sector for three years and they cannot be employed directly or through a third party.

2. How much money has TAFE spent in the years 2013 and 2014 in paying out targeted and redundancy packages to the most highly experienced and qualified lecturers in TAFE?

3. If the minister is going to expand the courses now available in TAFE, how does she expect to find sufficient lecturers to take up the courses given the massive reduction in lecturers through the reduction in TAFE services and the packages over the 2013-14 years?

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) (15:23): I thank the member for his questions. In answering the question, I would like to remind the chamber that under Skills for All we achieved unprecedented high levels of funding and investment into our training sector, we delivered unprecedented levels of training, we achieved our 100,000 additional training places. We had participation rates in training at the nation's highest, we had completion rates at the nation's highest—unprecedented levels. So, if that is the mess that this government has left, then I am pretty proud of that.

We have achieved that target of 100,000 places and those additional once-off funds have been expended. In line with that, in deep consultation with the industry, we have been able to design a work ready training program which focuses precious public money, taxpayers' money—

Members interjecting:

The Hon. G.E. GAGO: Public money that goes into subsidising training is focused on real job outcomes, far more focused and targeted on employment opportunities, particularly employment opportunities in emerging industries. We have also put in train systems to improve even further on our completion rates. That is the objective of WorkReady. As I have already outlined in this place, it is to be phased in over the next four years, and at the end of those four years we will have an extremely efficient and sustainable training sector where the TAFE commercial training activity will be dollar-for-dollar parity with the private sector.

In terms of TAFE reform, as I have indicated we have, throughout 2015-16, indicated to TAFE that we are supporting TAFE through a transition process to enable it to design more innovative and creative training models and to be more flexible and adaptable in a competitive marketplace. In terms of the amount of money spent on TVSPs, again, they are detailed questions of an administrative nature and I encourage the honourable member to direct those questions directly to TAFE.

TAFE SA

The Hon. R.L. BROKENSHIRE (15:26): A supplementary, sir: with WorkReady and the announcements the minister made just before the jet doors were closed to go to China, has the minister signed off on a strategic plan for TAFE for the next three or four years and for the private training sector? If she has, will she table that strategic plan in the chamber?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:27): It is TAFE's responsibility to determine and conduct its strategic planning. It has indicated that it will have some announcements to make later this month in relation to that transition process.

CHOWILLA FLOOD PLAIN

The Hon. J.S. LEE (15:27): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the Chowilla Creek flood plain.

Leave granted.

The Hon. J.S. LEE: The Chowilla flood plain is one of the last remaining parts of the Lower Murray that has retained much of its natural character, and the development of the river in the Murray-Darling Basin over the past 100 years has greatly reduced the frequency, extent and duration of flood events. This has resulted in the Chowilla flood plain experiencing severe ecological decline. According to locals, the salinity levels in the Chowilla flood plain are quite extreme, resulting in severely stressed trees outside the inundated zone. One of the residents mentioned that there are examples of catastrophic decline in the area, which is now affecting surrounding vineyards.

Along with the concerns raised, it was noted that the Department of Environment, Water and Natural Resources used the airborne electromagnetic data, which showed incorrect salinity levels within the flood plain. My questions are:

1. With the airborne electromagnetic data showing increased levels of salinity, can the minister advise how the department will collect data in the current environmental conditions?

2. Has the department provided a briefing to the minister about this issue?

3. If so, when will the department investigate this matter?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:29): I thank the honourable member for her most important, if somewhat misplaced, question. It gives me the opportunity once again to talk about the wonderful work we are doing in terms of the Chowilla flood plain—indeed, what we are doing cross the Murray in general.

With regard to Chowilla itself, new water regulating infrastructure has been constructed on the flood plain to enable delivery of environmental water to the site as part of the Living Murray program. The works include an environmental regulator and fishways on Chowilla Creek, smaller regulators on the Chowilla Island Loop wetland and Woolshed Creek, and the upgrade of weirs and construction of fishways on Pipeclay and Slaney creeks.

Construction was completed in mid-2014, and initial testing of the infrastructure was undertaken from September to early December 2014. Testing involved operation of the regulator to raise water levels in the Chowilla anabranch by 2.8 metres and the concurrent raising of Lock 6 by 400 millimetres, resulting in the inundation of approximately 2,300 hectares of flood plain and wetlands.

Observations and monitoring undertaken by the Department of Environment, Water and Natural Resources showed strong positive responses to the testing, particularly from trees, understorey and aquatic vegetation, invertebrates, frogs, and waterbirds. I am also advised that vegetation also responded positively in the inundated areas, particularly in species such as lignum, which is a preferred habitat for a range of frogs and other flood plain species.

Also, increased zooplankton and macro-invertebrate abundance has been found, which are important food sources for other fauna such as birds, frogs and fish. Frogs were recorded breeding during inundation, including the southern bell frog, which is listed as a vulnerable species under the Commonwealth Environment Protection and Biodiversity Conservation Act and the South Australian National Parks and Wildlife Act.

I am further advised that 25 species of waterbirds were recorded on the wetlands, including migratory species. Six species of native fish were recorded during wetland fish surveys, along with three introduced species, including a high proportion of European carp. Monitoring within some wetland sites indicated a strong carp breeding response, which is not very surprising, given the conditions.

Assessments undertaken in developing the Chowilla project identified that increasing carp populations would be at risk. A carp management strategy was subsequently developed to identify

appropriate methods for minimising carp responses and maximising benefits for native species. The Chowilla Regulator Operations Plan incorporates recommendations from the fish risk assessment and carp management strategy.

The 2014 testing was designed and managed to ensure that water quality and flows for key native fish habitat were maintained throughout the testing, in line with expert advice from fish biologists. The operation plan acknowledges that carp breeding will occur during operation, of course, as will the fish breeding of other species, but we aim to maximise the benefits for native species.

A review of the testing event is continuing, I am told. An initial workshop was held in March 2015. A further workshop to review the ecological outcomes will be held in May once monitoring data analysis is completed. The outcomes of the review will inform the update of the operations plan, and identify further work required and improvements that can be made for future operations. The review will include assessment of the carp response, of course, resulting ecological impacts, and options for mitigation in the future.

There is, I understand, a concern within the community and amongst scientific fish experts about carp and the need to closely monitor and manage the infrastructure to limit carp breeding responses wherever possible. The honourable member raises other issues that are important. There has been very positive feedback, I am advised, about the range of outcomes of the testing and the opportunities for ongoing improvement in flood plain conditions. Ongoing targeted monitoring programs will be required, however, during future operating events at Chowilla to fill knowledge gaps and support management that favours native species, and deals with the issues the honourable member raised in her question.

Bills

STATUTES AMENDMENT (GAMBLING MEASURES) BILL

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley–1]—

Page 3, lines 4 and 5—Delete clause 2 and substitute:

2—Commencement

(1) Subject to this section, this Act will come into operation on the day on which it is assented to by the Governor.

(2) Part 2 (other than sections 5A, 5B, 9A and 10A), Part 3, Part 4 and Part 5 will come into operation on a day to be fixed by proclamation.

I am advised that these amendments are necessary by virtue of the fact that there is currently no maximum bet limit prescribed in either the Casino Act or the Gaming Machines Act. Members will recall that, when we debated the Statutes Amendment (Gambling Reform) Amendment Bill in 2013, we amended both these acts to introduce a maximum bet limit of $5 for hotels and for the Casino. Those amendments were ultimately accepted by the majority in this place despite my attempts to further reduce maximum bets to $1.

The sections of the amending act do not commence until 1 January 2017. It is therefore necessary to commence these uncommenced sections before amending the maximum bet limit from $5 to $1, as per my amendments Nos 2 and 9. Proposed section 3B, in amendment No. 2 to the Casino Act, and proposed section 10A, in amendment No. 9 of the Gaming Machines Act, deal with this commencement issue to ensure that the maximum bet sections of the government's 2013 amending act commence so that my amendments can, if passed, have effect, thereby reducing the maximum bet limit from $5 to $1.

The other reason for this amendment is so that, if all my amendments pass, they come into operation on assent. This is to ensure the commencement of these amendments and to prevent the delay tactics of the government on deferring, sometimes indefinitely, the commencement of provisions of the Casino Act and Gaming Machines Act passed by the parliament. Given this reasoning, I will use this amendment as a test clause for amendments Nos 1, 2, 5, 7, 9 and 10.

Members will note that amendments Nos 2 and 9 also deal with the issue of mandatory breaks in play. Amendment No. 5 deals with the transferability of gaming machines for those licensees who have 20 or fewer poker machine entitlements. Amendment No. 2 provides for $1 maximum bets and for mandatory breaks in play. In terms of maximum bets, it seeks to replace $5 maximum bets on poker machines with $1 maximum bets. It is identical to that moved when we last considered the issue of poker machines in 2013.

As I mentioned a moment ago, during the 2013 debate the government moved to reduce maximum bets from $10 to $5; that proposal was ultimately agreed to by a majority of members despite my attempts to reduce bets even further to $1. As we all know, both the government and the opposition flatly refused to entertain that proposal. This is despite the fact that $1 maximum bets have been recommended by the Productivity Commission, which argues that there are strong grounds to reduce the maximum intensity of play per button well below the current $5 and $10 regulated limits, and a limit of $1 would strongly target problem gamblers, with little impact on other recreational gamblers.

At the risk of repeating what I have said on the public record before, the Productivity Commission has previously confirmed that even at $5 our bet limits are too high to be effective in constraining the spending of problem gamblers, given the speed and intensity of play that a modern poker machine allows; that has not changed. The fact remains that this is the single most effective measure in terms of reducing the harm caused by poker machines. If played at the faster allowable rate, lowering the maximum bet from $5 to $1 will result in losses reducing from $600 an hour to $120 an hour.

As I have said previously, $600 hourly losses are a far cry better than $1,200, which is what we had previously, but it is still extraordinarily high. If we are going to constrain the spend rate of problem gamblers without affecting other recreational gamblers, who typically bet at low levels, we need to implement the $1 maximum bet. I am pleased that the Greens have adopted $1 maximum bets as a policy issue not just in South Australia but in all jurisdictions, and I am grateful for the continued support of the Hon. Tammy Franks and the Hon. Mark Parnell on this very important issue. I remain hopeful that the government and the opposition will see sense and give serious consideration to these reforms.

I would also ask the government at this stage to advise the house of what the projected compliance rate of poker machines is likely to be when $5 maximum bets come into operation. In terms of mandatory breaks in play, the amendments seek to mandate an interruption in play of at least five seconds at regular intervals of 30 minutes' play. As I have stated on the public record previously, it is widely accepted that providing a break in play provides gamblers with the opportunity to rethink their options in terms of whether or not to continue gambling. Five seconds is not a long time. If someone cannot handle a five-second break after sitting in front of a poker machine for 30 minutes, I dare say that they may be at risk of developing a gambling addiction if they have not already.

Amendment No. 5 seeks to enable a person who holds 20 gaming machine entitlements or fewer to surrender those entitlements and be compensated an agreed amount. The aim of this amendment is to encourage and assist small venues to get out of the poker machine industry. It would also go some way towards meeting the government's 3,000 machine reduction target set back in 2004. Despite changes to the trading system over the last 11 years, we still have not achieved this target; if anything, the total number of entitlements in the system has increased because of the deal done with the Casino.

Over the years, my office and that of my colleague the Hon. Senator Nick Xenophon have been contacted by operators of small hotels, particularly in regional areas, who have effectively been locked out of the trading system because of the fixed price that used to apply. Even with the removal

of a fixed price, it is still not financially viable for many such operators to get out of the game despite their wanting to do so. By the same token, they have invested in their entitlements and cannot afford simply to give them away. This amendment would enable them to get out and for compensation to be negotiated with the commissioner on the surrender of their entitlements. I urge all honourable members to support these amendments.

The Hon. G.E. GAGO: The government rises to oppose this amendment. We also see it as a test for most of the Hon. John Darley's other amendments. This amendment proposes that additional clauses proposed by the Hon. John Darley commence in operation on the day on which the act is assented to by the Governor. It is difficult to consider this amendment in isolation from the other amendments proposed.

Amendments Nos 2 and 7 seek to lower the maximum bet and introduce mandatory interruptions in gaming and machine play at the Casino, clubs and hotels. These proposed changes were considered in this place back in 2013 and were not accepted. The government's position on this matter has not changed since that time. Amendment No. 5 introduces the ability for a gaming venue with 20 gaming machine entitlements or fewer to surrender those gaming machine entitlements to the Crown for compensation.

The government considers that the existing approved trading system can facilitate the venue exiting the gaming machine market provided the seller bids a sale price that reflects the value the market places on gaming machine entitlements. The government does not support the use of government funds to buy back gaming machine entitlements, and it is for those reasons that the government continues to oppose these types of amendments.

The Hon. T.A. FRANKS: The Greens rise to support the amendments put before us by the Hon. John Darley and, as they have been presented as somewhat consequential, I will address them in that way. The Greens, as the Hon. John Darley mentioned, have a policy position of dollar bets being the maximum bets, and it is also the recommendation of the Productivity Commission. We were pleased to introduce into federal parliament legislation to attempt to effect that—obviously unsuccessfully—but, with the inquiry into that legislation, stood with Senator Madigan and Senator Xenophon, and our leader Senator Richard Di Natale championed that cause, and I commend him for his work on the area. We voted for it in 2013, we moved it in 2013, we will support it today and we will continue to support it because we have actually seen independent evidence that dollar maximum bets is one of the most effective things we can do to curb problem gambling.

In terms of suspensions in break of play of such a small amount and further incentive for small operations to ensure that they are removing those particular machines from the system, we think the government should be welcoming these moves if they were serious about addressing problem gambling. We will be supporting these amendments today, and I am sure if they are not successful we will be back supporting them until we get there.

The Hon. R.I. LUCAS: The Liberal Party will not be supporting the package of amendments being moved by the Hon. Mr Darley. As the government has made clear, the government's position is in opposition to the amendments as well, and the package of measures that this parliament has been asked to consider in this bill was actually a set of amendments that had been agreed by all stakeholders in the Gambling Reference Group, and that includes those from the clubs and hotel side but also from the welfare sector. Relationships Australia, as I indicated in the second reading, represented the welfare sector, and the package of measures before us was an agreed package which, given this difficult area, in terms of trying to reach agreement on anything, was an achievement in and of itself.

The parliament is confronted with the situation where, while I respect the fact that we have widely divergent views on the issue of gambling—and my views are probably at the other end of the continuum to the views the Hon. Mr Darley (and before him the Hon. Mr Xenophon), the Hon. Ms Franks and others might have in relation to gambling and gaming machines—certainly within the major parties I am sure there are a variety of views as well in relation to some issues that relate to gambling and gaming machines; in fact, even the basic question of the advisability of whether or not they should have been introduced into South Australia.

The reality is that there is an agreed package of measures before us, which all stakeholders on the Gambling Reference Group have agreed to, and the parliament is confronted with the situation of either accepting an agreed package or essentially voting it down on the basis of trying to impose a new set of views on what has been an agreed package. The position the Liberal Party has adopted is that we will not be supporting the package of measures.

As the Hon. Ms Franks has indicated, if unsuccessful on this occasion those who put forward those views will continue to try to prosecute their views. I am sure that will be the case, and I am sure that those who do not support the views will continue to prosecute that case as well. That will be for another occasion: it may well be through private members' legislation that a member or members may move to test the views of the parliament.

As the Hon. Mr Darley indicated, some of the measures we only recently approved as a parliament a little over a year or so ago are still being phased in and actually have not occurred yet. The parliament has recently expressed a view on a number of these issues. Time will tell, in terms of the potential impact of those changes, but it does seem slightly pre-emptive, if the parliament has just expressed a view about what should be done. Those changes are still to be phased in.

I think it is sometime in 2017 when we will see some of the major changes to which the Hon. Mr Darley referred. But it does seem pre-emptive that even prior to that occurring the parliament could, in essence, change the rules again before those particular rules have been implemented. For all those reasons, I will not support this amendment and the package of amendments that will ensue.

The Hon. R.L. BROKENSHIRE: Family First have consistently argued that we need to do whatever we can to address what is a real problem for a sector of our community. Quite a substantial number of people and their families are affected by problem gambling. We are still not convinced that the government's focus is on addressing issues around problem gambling as much as it is focused on its own gambling addiction, which is to return as much money as possible to Treasury.

We will be supporting the Hon. Mr Darley's amendments, but I note that both the major parties—the government and the opposition—will not be, so it appears that on this occasion, again, the numbers will not be there. In the future, when other opportunities come up that either we or another party or member of parliament puts up, we will be proactively seeking initiatives that will see a reduction in problem gambling and less harm to families.

I would call on the government to actually, rather than wait for all these amendments that we have already passed to come through in 2017, do an audit this year and just see what impact there is on problem gambling in South Australia, and make that public and have a debate on it so that we have a chance, with some proper research and information, to address what initiatives can be implemented to further address problem gambling, not the least of which would be proactive programs that actually nip it in the bud early, and increased rehabilitation and support for those who are problem gamblers.

The Hon. J.A. DARLEY: I did ask the minister whether there was any indication of what the compliance rate might be if $5 bets came into operation, and I have not received an answer.

The Hon. G.E. GAGO: We expect 100 per cent compliance because it is the law.

Amendment negatived; clause passed.

Clauses 3 to 8 passed.

Clause 9.

The Hon. J.A. DARLEY: The government bill seeks to remove the requirement that currently prevents venues from offering EFTPOS facilities in gaming areas. In the government's words, and I quote:

> It is considered that there is a better chance of appropriate intervention [by trained gaming area staff] when the gambler is exhibiting problem gambling characteristics if the EFTPOS facility is located in the gaming area.

I appreciate that these changes have been drafted in consultation with the regulators, but I remain to be convinced that this is the right way to go. As I alluded during my second reading contribution,

venues have been trying to get around changes aimed at restricting access to cash at gaming venues for years. This plays right into their hands. As such, I will be opposing these provisions.

Again, as I mentioned during my second reading contribution, it is important to remember that, in many instances, EFTPOS facilities are provided just outside the door of the venue's gaming area, and patrons are still served by the same trained gaming staff who monitor patrons' gaming behaviour. It is the same staff serving patrons irrespective of where they are.

I do not accept that this makes monitoring gambling behaviour more effective. If a person wants to access an ATM, they still have to leave the gaming room. How do trained staff monitor these people? There is no question that easy accessibility to cash has a significant impact on problem gamblers. That is why we have moved down the path of removing ATMs, removing EFTPOS facilities, restricting access to credit and restricting the use of cheques in gaming areas. All these measures combined serve a very real purpose. Why on earth would we want to undo them?

At the very least, having facilities located outside the gaming areas provides for a break in play, and we know that for many problem gamblers that break in play can mean the difference between losing a little bit or losing a lot. I urge all members to support my amendment.

The Hon. G.E. GAGO: The government rises to oppose this amendment. We understand that the proposal in the bill can appear to be counterintuitive from a responsible gambling perspective, but the government is of the view that it will result in a better outcome. Hopefully, the following points will illustrate this:

- under the Gaming Machines Regulations, an EFTPOS facility can only be offered if the person operating the EFTPOS facility confirms a 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 telling machine);
- the Gaming Machines Regulations enshrine the requirement for face-to-face interaction with customers using EFTPOS. What the bill seeks to do is make sure that the customer is face to face with an employee who has benefited from recognised training. This training is required under the Gaming Machines Act to address gaming operations, responsible gaming and problem gambling identification, including automated risk monitoring and precommitment. The advanced training includes low-level intervention and referral to gambling help services; and
- an EFTPOS facility outside the gaming area is not necessarily operated by a person with recognised training, nor are they in a position to observe behaviour in the gaming area. This could result in a situation where some problem gambling risk factors may not be observed by those trained to identify and respond to them.

It is for these reasons that the government opposes this amendment.

The Hon. R.I. LUCAS: For the reasons I outlined earlier—and this issue will be addressed in the second reading explanation as well, so I will not add to those particular comments.

The Hon. T.A. FRANKS: The Greens will not be supporting this amendment. We understand that the government is attempting to improve the situation, and the face-to-face contact may well be effective. I also understand the concerns put forward by the Hon. John Darley, but following our consultations with various groups, whilst there has been a divergence of opinion, we will let the government enact this; hopefully, if it does not have the effect that the government seeks to have and it is not an improvement, we will see further reform.

Clause passed.

Clauses 10 to 22 passed.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (BOARDS AND COMMITTEES - ABOLITION AND REFORM) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 May 2015.)

The Hon. T.A. FRANKS (16:00): I rise as the second speaker for the Greens to address the Statutes Amendment (Boards and Committees—Abolition and Reform) Bill 2014. As members are well aware, this was one of the announcements made by Premier Weatherill that spoke to a vision of the Labor Weatherill government. The proposal before us substantially alters the current processes that we have for consultation in this state and, while many appear to be uncontroversial, there are some elements which I believe will cause great controversy.

Members are well aware that the proposal to abolish the board of the South Australian Tourism Commission has seen members of parliament subject to a great deal of lobbying. The Greens are not attracted to the government's proposal to abolish that particular board and express some dismay and concern about the level of ministerial control and direction that would be the resultant outcome.

As to the Hon. John Darley's amendment that he has spoken to, the Greens indicate we will be supporting that. My colleague the Hon. Mark Parnell will address the areas in his portfolios; I will address the areas in my portfolios. I raise some concerns about the different information I have had from government in briefings with regard to this bill. I refer the government to their press release of 30 October 2014, entitled 'Final report on boards and committees', and note the line in that press release issued under the name of Premier Jay Weatherill that the reforms are expected to save at least $5.5 million over the forward estimates.

I ask the government to outline where those savings will come from and to explain, given that the rhetoric around this bill has been that we will be seeking newer, better, different ways of engagement with the community, whether or not that $5.5 million will be going to those particular reforms or whether it is a saving to the bottom line. There has been much talk of not having the same voices heard in our debates in this state, and they are certainly the words of Premier Jay Weatherill.

What I would note is that we have just debated a bill on gambling and yet the South Australian Council of Social Service (SACOSS) time and time again presents in its advocacy to this place on those important gambling issues that they are not adequately resourced to appropriately advocate on those issues as legislation comes to pass or issues arise. How will various parts of the community be adequately resourced, not just to have a voice but to have an effective voice, an informed voice and a truly empowered voice?

I look forward to the government's costings being detailed. I would like to know how that $5.5 million over the forward estimates is broken down, which particular committees those savings will be made in, and what are the expenses that are to be allocated in addition to what the current practice is? I note that we have had an announcement of yet another citizens' jury recently. Are those citizens' juries to be part of the expenditure that the government intends to invest in regarding engagement and the principles of engagement, I assume, in their Better Together program?

I look forward to those responses, and I certainly look forward to the committee stage of the bill and seeking assurances from the government about the level of thought that has been put into those boards and committees which are to be abolished, and to ensuring there will be appropriate debate into the future in those particular portfolios.

The Hon. J.A. DARLEY (16:05): At the outset, I am pleased that the government saw fit to support the opposition's amendments in the other place, which sought to preserve the tourism board. There is no question that the government's original position to abolish the tourism board was considered most unfavourable, so this was a very welcome development. I note that the stakeholders who lobbied so heavily against the government's position appear to be satisfied with the outcome, and I thank them for all their assistance on this most important issue.

I am also pleased that the government has seen fit to drop those provisions which would have resulted in the abolition of the Gambling Advisory Committee under the Gaming Machines Act. Members will recall that the provisions regarding the establishment of a gambling advisory committee, which were drafted in consultation with SACOSS, were only inserted into the Gaming Machines Act during the last round of amendments to the bill considered by us in 2013. In fact, they formed part of one of the few proposals that actually got up.

The aim of the amendments was to address the issue of asymmetric lobbying and even up the playing field between resource-starved NGOs on the one hand and the hotels and clubs on the other. This would be achieved by creating a gambling advisory committee to be made up of two representatives from the hotel and club industries and two representatives from the charitable and social welfare sector. The committee would provide advice to the minister in relation to his or her functions as they relate to the Gamblers Rehabilitation Fund.

The minister would also appoint an advisory officer, chosen from the social and welfare sector, to provide advice on any other matter relating to the gambling industry. It was envisaged that the gambling advisory officer would act as a conduit between the care sector and the minister, and provide them with advice based on feedback from NGOs and problem gamblers themselves. Overall, these measures would result in a greater level of advocacy by the charitable and welfare sector on gambling issues.

My office has kept in regular contact with SACOSS since these measures were incorporated into the Gaming Machines Act. The reason we were all so surprised by the government's original move to scrap the committee was that there had been no contact with SACOSS or any other welfare group, as I understand it, to even get the proposal off the ground. As I understand it, this has not changed. We are still waiting on the government to act on these reforms. Hopefully this will serve as a timely reminder.

Members will note that I have an amendment on file dealing with another board that falls within the scope of the Gaming Machines Act, namely, that which oversees the Charitable and Social Welfare Fund. I will admit that there was some confusion in my office over this aspect of the bill because, initially, it was thought that the government had reneged on its agreement to remove those provisions which dealt with the Gambling Advisory Committee.

That said, once the confusion was sorted out we were able to turn our minds to the question of whether or not this second board ought to be abolished. My primary concern is that, if abolished, decisions regarding payments from the fund will be left to the minister responsible for the administration of the Family and Community Services Act. In some respects it is not dissimilar to what was proposed with respect to tourism.

The Premier's office has provided my office with some additional information which focuses on how it is envisaged that the fund will be administered in the future. According to that advice, as part of the reducing red tape initiative the assessment process for a range of community services will be aligned. This process will include establishing an independent assessment panel which will provide independent advice and oversight and make funding recommendations on applications under a range of Department for Communities and Social Inclusion grant programs.

I have sought some feedback from stakeholders, including SACOSS, regarding this issue. I can say that the stakeholders with whom I have spoken have raised some concerns about the appointment process for the new independent assessment panel. Overall, the preference is to maintain the status quo, that is, to keep the Charitable and Social Welfare Fund. As such, I will be proceeding with my amendment.

Lastly, I note that the Hon. Mark Parnell has raised concerns regarding the abolition of a further two bodies, namely, the Fisheries Council and the Wilderness Advisory Committee. I will

certainly give further consideration to those amendments prior to the committee stage debate. Overall, I think we all have to agree that, despite some hiccups along the way, this was a very worthy exercise undertaken by the government in terms of identifying duplication, cost efficiencies and reducing red tape. It is certainly something I think the government should embark on across government on a more regular basis. With that, I support the second reading of the bill.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:10): I would like to thank all honourable members who have contributed to this debate, and I look forward to the committee stage of the bill shortly. However, before we proceed to committee, I would like to address some of the questions that have been raised previously. Some of the comments other members have made relate directly to amendments that have been tabled, and I will speak to the amendments in committee.

Before I speak on the questions, I do need to correct some small inaccuracies in the second reading explanation, given on 26 March 2015, regarding the bill as received in the Legislative Council. The second reading explanation mentioned that the South Australian Tourism Commission and the Animal Welfare Advisory Committee are to be abolished in the bill. These boards were subject to the amendments in the House of Assembly, as has been noted by other speakers. They are no longer in the bill and are to be retained.

To address the points made by the Hon. Mark Parnell, firstly in relation to, I believe, 30 areas of high-quality wilderness awaiting assessment, I am advised that the Wilderness Advisory Committee has been required to assess all land in the state and make recommendations, particularly under the act. Since 1992, the committee has assessed 19 areas. There are now 14 wilderness protection areas covering 1.84 million hectares. The committee has largely discharged its function in the agricultural areas of the state and, to some extent, in the arid lands.

The reference to approximately 30 areas of high-quality wilderness that could be assessed is a reference to a report from the committee in 2014, 'Measures for improving wilderness protection in South Australia's arid lands', which listed 35 areas containing wilderness of potential national significance. Many of these areas are in existing parks, wilderness areas or are on Aboriginal lands. I am advised further that this report will form the basis of the parks and wilderness council's work program moving forward. The parks and wilderness council will be required to continue to undertake the statewide assessment of wilderness. As minister, I expect the new council will provide advice early in its term of the first assessment area.

As to the question of whether there is still capacity for members of the public to nominate places for listing, I am advised that no functions of the act will change from the merger. The public will still be able to nominate areas for assessment by the parks and wilderness council. As occurred with the Wilderness Advisory Committee, it will be that body's decision about which areas of the state to assess in any given time.

Finally, in relation to the Hon. Mark Parnell's comments and questions, the potential for a subcommittee was raised. I am advised that this is entirely possible. The parks and wilderness council will determine as part of its work program which areas to assess for wilderness. The department will continue to provide the scientific, technical and policy support, as in the past, and the drafting of assessment reports, to enable the council to discharge this function.

If the parks and wilderness council felt that its skills and expertise for a particular assessment required additional expertise to be brought in, or if a wilderness assessment was to be undertaken as a matter of urgency, then the council could recommend to me as the minister to form a time-limited working group to prepare a wilderness assessment report for the council or, alternatively, a subcommittee could be formed.

As to questions raised by the Hon. Michelle Lensink, firstly, in relation to what reclassification means in some instances, I am advised that the decision to reclassify a board or committee was based on an assessment that it is no longer considered to be a government board or committee. Reclassification does not mean the function ceases. In relation to the specific example given for local dog fence boards, the management of these six local boards will remain unchanged. The state Dog Fence Board, which has also been retained, will continue to give administrative and technical advice

and pay subsidies to these boards for projects to improve their sections of the fence. 'Reclassify' means that the local dog fence boards have been delisted from their needing to reside on the government's Boards and Committees Information System and the reporting that is required for this.

In relation to the question asked by the Hon. Michelle Lensink about NRM boards being asked to take on responsibility for marine parks management, I am advised that marine parks are managed, just like ordinary parks, by regional staff of the Department of Environment Water and Natural Resources. Regional NRM boards have no specific role in relation to the management of marine parks or ordinary parks, I am advised. There will be no change to the management of marine parks as a result of this amendment bill.

Finally, in relation to the Border Groundwaters Agreement Review Committee, I think also a question asked by the Hon. Michelle Lensink, I am advised that the Border Groundwaters Agreement Review Committee is aware of the need to be cognisant of community needs and expectations with respect to groundwater management in the border regions. As South Australia is 'down gradient' in respect to natural groundwater flows, the Border Groundwaters Agreement is important for maintaining a sustainable groundwater resource in the South Australian border regions with Victoria. For nearly 30 years this agreement has ensured an equitable sharing and sustainable management of these border groundwater resources.

I am advised that the review committee has maintained engagement with both the South-East and the South Australian Murray-Darling Basin natural resources management regions and boards during the development of their respective water allocation plans. The review committee has met with the Presiding Member of the South East NRM Board and with South-East industry stakeholders during the consultation phase leading up to the adoption of the Lower Limestone Coast Water Allocation Plan. With those comments, I look forward to the committee stage.

Bill read a second time.

SUPPLY BILL 2015

Second Reading

Adjourned debate on second reading.

(Continued from 12 May 2015.)

The Hon. G.A. KANDELAARS (16:18): I rise to speak in support of the Supply Bill 2015. The Supply Bill 2015 provides for $3,291,000,000 to be appropriated from the Consolidated Account. This will provide sufficient appropriation to meet government expenditure requirements from 1 July 2015 until approximately the end of September 2015 and will ensure that the government's services can continue to be provided until assent is given to the Appropriation Bill 2015. These funds will be administered by the Department of Treasury and Finance to agencies in accordance with the Supply Act and financial controls governing public accounts.

Today I would like to take the opportunity to cover two broad issues, the first being the state government's response to the closure of the Australian automotive industry, which has significant ramifications for South Australia. The second issue is detailing some of the initiatives the state government has undertaken in the area of regional development.

The closure of the Australian automotive industry's original equipment manufacturers by 2017 will lead to the collapse of the automotive manufacturing sector in Australia. The short and long-term economic and social costs as a result of the loss of the automotive industry will have a major impact in South Australia, in terms of both businesses and workers in the automotive supply chain and also in specific regions. In response to the automotive manufacturers closure announcements, the South Australian government released Building a Stronger South Australia: Our Jobs Plan, which committed $60 million over four years to 2017-18 to prepare South Australia for GM Holden's closure in 2017.

The plan contains six key actions aimed at securing the future of the state's economy: the first, retaining displaced automotive workers so that they are able to secure new jobs in emerging industry sectors; the second, supporting the most adversely affected communities to generate local economic activity and jobs; the third, helping the transition of automotive supply businesses to new

markets and industry sectors; the fourth, accelerating the transition of our manufacturing sector into advanced manufacturing through the support, the clusters, as well as funding for collaboration and innovation; the fifth, bringing forward significant infrastructure projects to create jobs and lift productivity; and the sixth, creating a new job accelerator fund to drive growth in our key industry sectors.

The Our Jobs Plan program provides funding to implement manufacturing industry programs over five years from 2013 to 2018. Key initiatives which have been implemented to date include: providing support to the impacted automotive industry workers and their families through a telephone hotline, establishing an automotive transformation task force to provide focus for the implementation of relevant components of the Our Jobs Plan, and the commonwealth government's $155 million growth fund.

In addition, it includes providing funds to four clusters to progress collaboration and formalise their structures, including the Aerospace Alliance in collaboration with the Defence Teaming Centre; the Musitec music and technology cluster; the two water industry-related clusters, in collaboration with the Water Industry Alliance, one in relation to managing aquifer recharge and the other in relation to water treatment in remote locations; and rolling out of the Manufacturing Technologies Program, an initiative which aims to raise manufacturing industry awareness, understanding and application of new technologies, including those being developed by local researchers.

To date, nine companies have participated in the applied metals additive manufacturing program, which will include design for manufacture, prototype development and commercial feasibility assessment. Launching the $4.5 million Business Transformation Voucher Program, vouchers of up to $50,000 are available to individual firms to engage the services of specialist consultants to assist with reviewing, developing and implementing plans to improve productivity and competitiveness. To date, 34 companies have been approved for funding of $1.28 million for business transformation. These companies have provided just over $1.9 million towards their transformation projects, which is a funding ratio of 1.5:1, 53 per cent greater than the minimum requirement under the program.

Under the pilot program for which the BTV was developed, the Innovation for Growth pilot program, run in collaboration with KPMG, five companies received comprehensive business reviews to identify opportunities and constraints to growth and development and to implement growth strategies. Commencing the medical and assistive technologies road map through the University of Adelaide and the German Fraunhofer institute, the road map will identify short, medium and long-term market opportunities, new and emerging technologies and industry capability requirements. It can be used by businesses to plan/implement strategies, to enter into new growth markets and by government and the research community to guide activities and policy development.

The state government sought a $330 million commitment from the Australian federal government to support initiatives through Our Jobs Plan package; however, sadly, the commonwealth government rejected this proposal. In April 2014, in response to the closure of the car manufacturing industry in Australia, the commonwealth government announced the establishment of a $155 million growth fund, which is made up of the following contributions: the Australian government, $101 million; the South Australian and Victorian governments, $12 million each; GM Holden, $15 million; and Toyota, $15 million.

The growth fund comprises:

- a skills and training initiative—a $30 million program to assist automotive employees to have their skills recognised and provide training for new jobs while they are still being employed;
- the Automotive Structural Adjustment Programme—a $15 million program to boost the current automotive industry structural adjustment program to provide career advice and assist automotive employees to secure new jobs;
- the automotive distribution program—a $20 million program to assist automotive supply chain firms to diversify and enter new markets;

- the Next Generation Manufacturing Investment Programme—a $60 million program to accelerate private sector investment in high value, non-automotive manufacturing sectors in South Australia and Victoria; and
- the Regional Infrastructure Programme—a $30 million program to support investment in non-manufacturing opportunities in affected regions.

The South Australian government will continue to work with the commonwealth government regarding details of the Jobs Growth Fund and its implementation to ensure maximum benefit for South Australian industry and the community.

The South Australian government has established the Automotive Transformation Taskforce to enable targeted and focused implementation of specific elements of Our Jobs Plan and the relevant components of the commonwealth government's $155 million growth fund. The task force operates as an autonomous business unit of the Department of State Development and reports to the Automotive Transformation Taskforce board. The task force board is chaired by the Hon. Greg Combet AM, who is directly accountable to the Minister for Automotive Transformation.

The task force brings together resources from across agencies to provide focus, urgency and a central point for South Australian government activities in the transformation of the automotive sector and its workforce. The task force has a number of important functions, including:

- working closely with the automotive component manufacturing companies to support them in accessing, diversification and transition initiatives so that they have a more sustainable future and are able to retain their workforce;
- managing the design and delivery of programs and services for displaced workers affected by the closure of the national automotive industry;
- liaising with the commonwealth and Victorian governments in the final design, implementation and rollout of the growth fund to the automotive sector;
- working with GM Holden on options for the future use of its Elizabeth manufacturing site;
- participating in government-wide strategies to attract investment and jobs to the state of South Australia; and
- providing a central point for partnership development and communications.

The task force has also established a $7.3 million Automotive Workers in Transition Program to assist automotive workers with transitioning to new employment. The AWITP was launched by the former minister for automotive transformation in December 2014. The AWITP supports the workforce of automotive component manufacturers' supply chain companies with significant revenue exposure to the automotive sector. The AWITP supports packages comprising the following elements:

- information sessions where task force officers deliver a presentation to affected workers at their work sites and provide workers with an AWITP information pack;
- career and transition services (CATS) provide individualised professional career development assistance to each worker, which includes values mapping; psychological and personality testing; development of a career plan, including identifying a worker's top five jobs as aligned to the testing analysis of current and future jobs markets; résumé and interview preparation; training availability; and training provider identification;
- skills recognition response enables workers to have their current skills competencies recognised and mapped against national standards;
- quality training delivery: through CATS and the skills recognition response, workers will identify the essential training needed to increase their employability. Training can be accessed through 15 preapproved registered training organisations (RTOs) that have been identified by a comprehensive selection process; and
- business start-ups provide support to workers starting up their own businesses. Workers will be assisted to identify their own proposed business strengths and weaknesses and

also offered information and support via the Polaris Centre in the north and Business SA in the south.

The support package has been designed in line with the response from the South Australian and Victorian governments, Toyota, Ford and GM Holden to ensure that the first and last workers accessing support receive a similar level of assistance and that those workers in the supply chain receive a similar level of support to the vehicle manufacturers' employees. GM Holden and Toyota workforces will receive similar support and funding for skills and training through the company's $15 million contributions to the commonwealth government's Growth Fund Skills and Training Initiative.

The Career and Workforce Development Centre has been established at Warradale by the South Australian government to deliver five elements of the Automotive Transformation Taskforce's Automotive Workers in Transition Program support package. The Minister for Automotive Transformation officially opened the centre for automotive workers to access services on 5 March this year.

The Automotive Supplier Diversification Program is an $11.65 million initiative to assist automotive supply chain manufacturers impacted by the closure of GM Holden Ltd in 2017. Funding from 2013 to 2018 will be provided to support eligible companies with diversifying and securing alternative revenue streams for a more sustainable future.

A number of supply chain firms have limited capacity to absorb new knowledge about alternative markets and will require support to diversify. The program has been specifically designed to provide a unique package of support to firms operating in the automotive supply chain to ensure they are provided with timely and relevant assistance based on their specific circumstances.

Features include: flexibility in the assistance package based on the individual circumstances of each firm; and support for a wide range of activities related to the diversification and securing of alternative revenue streams including (but not limited to) diversification strategy development and associated business model development, mentoring, business development, capability development, management and workforce upskilling and retooling, and ongoing targeted support for firms including mentoring rather than one-off transition intervention.

The program includes two interrelated and complementary elements: the Automotive Supplier Capability and Competitiveness—a $7 million program that funds services and mentoring provided by contracted specialists related to business improvement, capability development, business development, and research services providers; and Retooling for Diversification—a $4.65 million merit-based program that provides direct funding support to assist companies to retool to implement their diversification strategies. The program is delivered by the Automotive Transformation Taskforce and is designed to dovetail with the commonwealth government's Automotive Diversification Program.

Four South Australian companies have been successful in obtaining funding by the Automotive Supplier Diversification Program. They are:

- Numetric Manufacturing Pty Ltd, $97,250;
- ZF Lemforder Australia Pty Ltd, $29,000;
- Quality Plastics and Tooling Pty Ltd, $495,000; and
- Adelaide Tooling Pty Ltd, $168,000.

The South Australian government is seeking to work with Holden to develop a framework to identify and investigate a range of options, both automotive and non-automotive for the Elizabeth site and the associated supply chain. A memorandum of understanding has been signed between GM Holden and the South Australian government committing the parties to working cooperatively together on the future uses of the site.

The Automotive Transformation Scheme is a commonwealth government program that aims to encourage competitive investment and innovation in the Australian manufacturing industry. Participants are entitled to receive assistance in the form of quarterly cash payments, and all

participants are able to claim assistance for 50 per cent of the value of eligible investment in research and development and 15 per cent of the value of eligible investment in plant and equipment. The ATS has been a significant contributor for the automotive manufacturing supply chain enterprises, being able to expand their capacity and capability and build manufacturing businesses underpinned by design excellence and innovation.

The other matter I said I would cover today is the issue of the state government's initiatives in the area of regional development. South Australia's regions make a vital contribution to the economic strength and social fabric of the state and are an integral part of the state's identify. Our regions contribute to 27 per cent of gross domestic product and produce around half of our merchandised exports while being home to 29 per cent of the state's population. The government of South Australia recognises the need for regional communities that build on their economic foundations and generate social vitality and preserve their environmental assets.

The success of industries such as agriculture, food and wine production, aquaculture, fishing, mining and mineral processing, manufacturing, tourism and energy production are vital to our way of life. Government support is needed to create the conditions for regional communities to grow and prosper. The government has made a substantial commitment to building stronger regions through the delivery of a series of agreements between the Premier and the Independent member for Frome, the Hon. Geoff Brock, reached in March 2014.

These agreements detail a number of commitments to regional South Australia and include additional support for communities, projects and programs. This includes a $39 million package of initiatives for regional development in 2014-15. Of this package, $15 million is available annually to regional communities to access directly through the Regional Development Fund (RDF) Grants Program. The RDF funding is available for a number of projects that drive economic growth and productivity by improving regional infrastructure and creating jobs and new opportunities.

In 2014-15, RDF funding was awarded to 43 separate projects across South Australia's regions which will lead to the creation of up to 685 new jobs and generate a total project investment of more than $340 million. These projects will stimulate growth and create a positive lasting flow-on effect to their communities. Examples of RDF grants for 2014-15 are the Bowmans Intermodal Pty Ltd, Australia's largest indoor regional port, receiving $840,000 to fast-track the duplication of an existing rail line at the Bowmans facility inland from Port Wakefield as part of a $3.8 million project to increase the capacity and value-adding activities of the site. The project will double the capacity of Bowmans' road and rail operations, including better infrastructure facilities and services to the local mining and agricultural industries.

The Gather Great Ocean Group received $360,000 to help establish an innovative new industry in the Limestone Coast. The group is a high technology seaweed processing business, headquartered in China, exporting to over 30 countries and servicing the printing, food and pharmaceutical industries. The group will establish a seaweed harvesting site at Beachport and a processing plant near Millicent, generating significant regional employment opportunities. Pikes Wines received $184,477 towards the opening a new microbrewery in Clare. This will enable Pikes Wines to increase production of craft beers, resulting in increased national distribution and sales to overseas markets. The Clare Valley will benefit from this new tourist attraction, a high-quality integrated cellar door experience which will bring further revenue to the region.

Examples of the transformational projects that the RDF grants in 2014 provided were Sundrop Farms which received $6 million towards the expansion of the greenhouse business at Port Augusta. In addition to state government funding, a 10-year contract from Coles for the purchase of truss tomatoes and investment of more than $150 million, including from the global investment giant KKR, will allow the project to proceed and create 300 jobs. The project demonstrates South Australia's strong position as a producer of premium foods grown in a clean environment. Thomas Foods International received $2.5 million towards a new state-of-the-art beef-boning facility at Murray Bridge. The project will significantly increase the output of Australia's largest species abattoir and create 200 new jobs. The Thomas Foods International group is South Australia's largest regional private employer, and the upgrade will be a huge boost to regional employment.

The Regional Development Australia associations (RDAs) will receive an increase in funding of $3 million per annum. This means that the state government is now the major funding partner of

South Australia's RDAs when compared to federal and local governments. The funding is allocated under a three-year funding arrangement that provides for a new and renewed emphasis on regional economic development. The funding will enable regional communities to have their local RDAs undertake a broad range of activities to drive economic growth and make a real and lasting difference in regional communities on behalf of the state government.

That said, the state government's commitment to regional development goes beyond simply grant funding. We recognise that regional communities themselves are best placed to understand the unique challenges and opportunities that the regions present and therefore to develop effective strategies to meet those challenges and realise those opportunities. Our Charter for Stronger Regional Policy includes numerous opportunities for regional communities to interact with government and have a real and meaningful input into government decision-making.

The charter was successfully implemented in 2014-15 through, for example, the introduction of three country cabinet meetings in regions each year, at least one minister spending a day each week in regional areas, at least three senior management council meetings being held in regions, and an increased focus on regions in government decision-making through the establishment of the Regional South Australia Cabinet Committee.

The Regional South Australia Cabinet Committee held its inaugural meeting on 26 May 2014 and will continue to meet through 2015-16. Its objectives include increasing government focus on regions and improved coordination of government program funding for regions. Chaired by the Minister for Regional Development, the Hon. Geoff Brock, the cabinet committee brings together ministers whose portfolios are vitally important for the health and vitality of our regions, including: the Treasurer and Minister for State Development, the Hon. Tom Koutsantonis; the Minister for Agriculture, Food and Fisheries, Tourism and Forests; the Minister for Transport and Infrastructure; and the Minister for Employment.

In 2014-15 the cabinet committee reviewed and updated the Regional Impact Assessment Statement policy and guidelines, developed and implemented programs under the $10 million Jobs Accelerator Fund, and awarded a number of substantial grants for transformational projects under the Regional Development Fund.

Some of the details of the $10 million Jobs Accelerator Fund are, first, that the package includes a $15 million regional development fund which was divided into five separate funding programs in 2014-15. Two of the programs—the Small Grants Program and the Major Projects Program—were both heavily oversubscribed. For this reason it was decided to use $2.6 million from the Jobs Accelerator Fund to partially meet the oversubscription in the RDF. This will help fast-track jobs growth and investment opportunities for regional South Australia.

Secondly, a $4 million regional loan scheme has also been established through the Jobs Accelerator Fund to complement the RDF program. The loan scheme was established to cater for circumstances where a loan or a combination of a loan and a grant may better suit a project. Applications seeking to access the loan scheme are available to apply for a loan ranging from $500,000 to $2 million.

The third aspect of the Jobs Accelerator Fund is that $1.4 million will be provided for Indigenous economic development in the north-west pastoral region. Indigenous landowners currently hold up to three million hectares of pastoral land in the region and there is an opportunity to return some of these properties to primary production to develop viable and sustainable grazing operations. The Indigenous Land Corporation will be contracted to manage funding for the Indigenous employment on behalf of the Kokatha Pastoral Development Project and the APY Pastoral Enterprise.

The remaining $2 million allocation in the Jobs Accelerator Fund will be applied to emerging regional initiatives and/or opportunities as they arise. The Regional South Australia Cabinet Committee will have a full works program for the forthcoming year in anticipation of continuing opportunities and issues in the region and I am confident they will continue to achieve great results for regional South Australia.

In conclusion, South Australia faces significant challenges with the imminent closure of the Australian automotive industry, particularly the closure of GM Holden's manufacturing plant at Elizabeth in 2017. The South Australian government is working with industry, suppliers, employers, unions, employees and the community to deal with this challenge. I commend this Supply Bill to the council as it will ensure the ongoing operation of government whilst the Appropriation Bill 2015-16 is dealt with by this parliament.

The Hon. J.S.L. DAWKINS (16:52): I rise today to support the second reading of this bill which provides, I understand, some $3.291 billion to ensure the payment of public servants and the continuation of state government services from 1 July until the Appropriation Bill passes both houses. As we know, the Supply Bill gives parliamentary authority to the government of the day to continue delivering services via public expenditure, and the government is entitled to continue delivering these services in accordance with general approved priorities; that is, the priorities of the last 12 months until the Appropriation Bill is passed. Before making some comments on one area in particular, I note that the use of the money is for the work of public servants to service the constituents and residents of South Australia.

I wish to direct my remarks today to the government's Suicide Prevention Strategy. In doing so, I want to initially commend the government for the effort it has put into that strategy, which was developed following some motions that both myself and the member for Adelaide put through the parliament in 2011. The strategy was developed in 2012 after an extensive consultation around the state, and that strategy is due to conclude next year. I do commend the efforts, on limited resources, that have been done by the Office of the Chief Psychiatrist and other members of the mental health unit within SA Health.

An example of the good work was on show last week when I was at Truro for a meeting held by the Mid Murray Suicide Prevention Network, very much augmented or organised by the Mid Murray Council. Those members who know the Mid Murray Council would know that it includes a number of wideranging communities. In fact, it goes from an area south of Mannum right up the river and around the corner at Morgan, and includes Cadell. It has a number of communities that really do not have a great deal in common.

I do congratulate those who were at the meeting at Truro last Thursday evening, because I think the commitment is there to make this network work, despite the sparseness of the population and the size of the geographical area of that council and, of course, the fact that probably the majority of the population lives in Mannum, which is almost at the southern extremity of the council. Certainly, efforts have already happened, with other meetings at Sedan and one planned for Morgan, and I think there is also one to be held later this week in Mannum.

Also, I am pleased that last year a very successful network of networks was held here in Adelaide in September, I think it was. As a result of that, some regional networks of suicide prevention networks meetings will be held this year, and I will be attending the first one of those at Mount Gambier on the 15th of this month. I think that a number of networks that are in the South-East and probably as far north as Murray Bridge will be represented at that conference.

Also, it is relevant to mention that there has been good support from the Office of the Chief Psychiatrist for the groups working in the areas beyond suicide, that is, those working with bereaved families, such as Silent Ripples, which held its annual memorial day in Murray Bridge on Sunday. I was privileged to once again attend what is an excellent way in which families can not only commemorate the loss of family members to suicide but also enjoy the circumstances there adjacent the Roundhouse at Murray Bridge, where a once barren area of land has been made into a very attractive garden that commemorates the lives of those people who have been lost. Sadly, at this year's ceremony, four names of males from that community were added to those commemorated in that garden.

I do want to indicate some concern, however, about the delays that have occurred over the last 12 months in relation to the suicide prevention strategy and, initially, the delay in the appointment of a new additional officer to help roll out the networks across South Australia. On 18 July last year, in Estimates Committee A, the member for Morphett asked some questions of the Minister for Health on my behalf in relation to the appointment of an additional person to assist with the rollout of the State Suicide Prevention Strategy.

The Hon. Mr Snelling did confirm, and I quote, 'that one FTE is actually an additional position on top of what we have got currently'. In essence, that meant that there was at last going to be additional assistance to the one person establishing those networks around South Australia. Unfortunately, after some six months I became aware that there was still no person in that position, and it seemed that there were no efforts being made towards putting a person in that position.

So, on 2 February this year I wrote to minister Snelling pointing out that it was six months since the estimates committee process and his commitment to that position, and I sought clarification of when the position would be filled. Unfortunately, that letter received no response—no acknowledgement and no response—so on 2 April I wrote again in similar terms. On 15 April, I received a letter from the member for Taylor, Lisa Vlahos, in her role as parliamentary secretary to the Minister for Health Assisting in Mental Health and Substance Abuse, and I quote:

> Thank you for your letter of 2 February, 2015, to the Hon. Jack Snelling, M.P., Minister for Health and Substance Abuse, about the appointment of an additional 1.0 FTE position to assist with the rollout of the South Australian Suicide Prevention Strategy 2012-2016: Every Life is Worth Living (the Strategy). I am responding to you as Parliamentary Secretary with responsibility in Mental Health and Substance Abuse.
>
> The establishment and recruitment of this position is underway for commencement in July, 2015. The position is essential for the implementation of the Government's new suicide prevention network and suicide prevention community grants programs.

The parliamentary secretary goes on to talk about the government's commitment to the strategy in reducing the effects of suicide on our community. I thank her for the response, but it is just a pity that it took some 2½ months and that the minister was not able to do it himself.

As a result of the delay in the appointment of that position, and the fact that there were a lot of people around South Australia who were aware that the appointment had been confirmed in the estimates process, community concern evolved into an article in the *Stock Journal* on 7 May this year—a very good article by Alisha Fogden—and I quote initially from it. Under the heading, 'Suicide strategy slowed by govt hiring process', she writes:

> Questions surround the state government's urgency to tackle suicide prevention, with program funding under utilised.
>
> In July last year, Mental Health Minister Jack Snelling confirmed budget assistance for a second full-time employee to help roll-out programs as part of the government's SA Suicide Prevention Strategy.

A little further on in the article, she states:

> Almost 10 months since that confirmation during an Estimates Committee process, the position remains unfilled.

In preparing the article, I understand that Ms Fogden and a colleague made contact with SA Health and attempted to make contact with the minister's office but received a statement from SA Health, so I will further quote from the article in the *Stock Journal*:

> SA Health statement said a large amount of scoping and planning work was required before an additional suicide prevention officer could be recruited, 'to determine the objectives for the role and how they would be achieved'.
>
> 'This included planning for the expansion of the suicide prevention networks across the state and a new community grants scheme, as well as looking at the next phase of the SA Suicide Prevention Strategy, beyond 2016,' it said.
>
> 'This planning has now been completed and the new suicide prevention officer is expected to start work in July.'

I was quoted in the article as saying that the 12-month lag was unfortunate. I think I was being a bit moderate there in my tone. The reference in this SA Health statement, that 'a large amount of scoping and planning work was required before an additional suicide prevention officer could be recruited', in my view is a lot of nonsense and just an absolute excuse for not coming up with the money to find that officer months earlier. To say that scoping and planning work was required is just ridiculous, because the work is being done by one person and that person needs assistance to continue that very good work. I found that response remarkable and, as I said, ridiculous.

On 12 November last year, the member for Morphett received further written responses to other estimates questions he asked of the Hon. Jack Snelling, questions the member for Morphett

had asked on behalf of the Liberal Party and particularly myself as the party's spokesman on suicide prevention. In that answer on notice provided in the House of Assembly on 12 November were a couple of things I want to note at this point. First, it was indicated there that $150,000 would be allocated for a suicide prevention officer to work in the establishment of suicide prevention networks. That is the position I have just been mentioning, which has taken nearly 12 months to scope.

Also, there was a reference to $125,000 in small grants for local suicide prevention and postvention initiatives and activities. I say initially that I give the government great credit for allocating that money. When I heard of that first last year I was very pleased; however, I have a great concern about the delay in making this money available. I am greatly concerned that the opening of applications for these grants only happened relatively recently, and then closed last Friday 29 May, so that the very small number of people in the Office of the Chief Psychiatrist and the mental health unit then have to allocate this money so that it gets out to groups before 30 June.

I lay no fault for that at the feet of people who are implementing the suicide prevention strategy, but somewhere in the system the bean counters have kept this money behind. It is a bit like the 12-month delay in appointing this officer. If we are trying to work properly as a community to prevent suicide, this sort of delay in relatively modest amounts of money is unacceptable. Those two areas I am talking about, the appointment of the officer and the bringing forward of the invitation for applications for the small grants, in total amount to $275,000, so for the sake of $275,000 we have seen, basically, a 12-month delay in both those programs, and I think that is pretty ordinary.

In conclusion, I should say, however, that I absolutely support all the work that is done as part of the government's suicide prevention strategy. I am very hopeful that, as part of the national strategy, there may be some reappraisal of some of the commonwealth funding of mental health and suicide prevention. There is terrific work done by a lot of the groups funded by government, including *beyondblue*, but there are many other groups that operate, if not entirely, nearly entirely on what I call the smell of an oily rag. They operate, as does the MOSH group based in the western suburbs, on the proceeds of op shops and they do fabulous work, very similar to what Silent Ripples does.

They should not have to operate in such a sense. They should not have to operate on the basis of total volunteers and selling goods in an op shop. That should not be the case, and I have made that clear to both the previous federal minister for health, the Hon. Peter Dutton, and also in some conversations I had with the Hon. Sussan Ley, the new Minister for Health. I also say to the state government, in the reappraisal of the strategy, that we need to do more to assist those groups and more to assist them with recurrent funding rather than a 12-month grant.

I look forward to the appointment of the additional officer to work in the rollout of the suicide prevention strategy. As I have done previously, I will work closely with anybody who is developing those groups around South Australia, whether it be in Mount Gambier, Port Augusta, the northern suburbs or wherever. Wherever I need to go, I will go to assist them, but I say to the government that I will be on the watch for when this appointment is made. The answer I received from the member for Taylor said that an appointment would be made after 1 July. I hope it is very soon after 1 July.

With those remarks, I am very pleased to support this bill. I again indicate its importance because it provides that $3.291 billion that enables the work of public servants in their service to South Australians to continue until the Appropriation Bill passes both houses, and I am pleased to support the bill.

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

CRIMINAL LAW (EXTENDED SUPERVISION ORDERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 May 2015.)

The Hon. T.T. NGO (17:13): I rise to speak to this bill and outline my support for the government's initiatives within it. The Criminal Law (Extended Supervision Orders) Bill will create a new type of order which is designed to place restrictions on certain high-risk offenders and provide for their continued supervision beyond the expiry of any term of imprisonment or parole period.

Extended supervision orders (ESOs) are designed to apply to certain high-risk offenders who have either served their entire sentence in prison and are due to be released into the community under no supervision, or have been released on parole and their parole is expiring.

In both cases, under the current law there is no option other than to leave the high-risk offender to live in the community under no supervision. There are cases where certain high-risk offenders, especially sexual offenders, choose to serve their entire head sentence without applying for parole. As a result, at the end of their sentence these offenders are released back into the community unsupervised while they arguably still pose a risk to the community.

There are also cases where the Parole Board may identify high-risk offenders who would benefit from extended supervision beyond the expiry of their parole or who remain a risk to the community and should continue to be supervised beyond the expiry of their parole. These ESOs are intended to cover the offences of rape, unlawful sexual intercourse, indecent assault, acts of gross indecency, abduction, procuring sexual intercourse, production or dissemination of child pornography, procuring a child to commit an indecent act, sexual servitude, deceptive recruitment for commercial sexual services, use of children in commercial sexual services and incest.

This bill allows the Attorney-General to make an application to the Supreme Court for an ESO to be made in respect of a person who falls within the definition of a high-risk offender. Therefore, it will ultimately be the courts that decide whether an ESO is warranted in a specific case. Any such application made by the Attorney-General can only be made within 12 months of the relevant date of expiry for the accused. Appeal rights exist to the Full Court against an ESO granted by the Supreme Court.

Before determining whether to make an extended supervision order, the Supreme Court must direct that one or more legally qualified medical practitioners examine the respondent and report to the court on the results of the examination. The main consideration of the courts in determining whether to make an extended supervision order must be the safety of the community. This clause provides that the object of this measure is to provide the means to protect the community from being exposed to a significant risk of harm posed by serious sexual offenders and serious violent offenders.

There are a number of other contributing factors listed within the bill. I would argue that some of them ultimately fall back to whether the community safety is compromised by not issuing an ESO. For example, treatment and rehabilitation is listed in the bill as a contributing factor. However, I would argue that it still becomes a determining factor. I think the community would be pretty right to think that an offender has only really been successfully rehabilitated if they do not pose further risks to the community.

It is also important to note that this bill does not apply to youth, as it is sensible to believe that there is more chance of rehabilitation within this group. If a court is satisfied that an offender poses a significant risk to the safety of the community if not supervised under an order, the court may make such an order. Any breach of the ESO constitutes an offence with a maximum penalty of five years' imprisonment. Interim supervision orders can also be made while an application for an ESO is being determined. An ESO can only be established for five years or anything less, as determined by the Supreme Court. There is also the ability within the act to vary and revoke ESOs based on changing circumstances.

This bill is very careful to ensure that an incentive remains for a person on an ESO to continue to improve themselves through treatment and rehabilitation. I say this because there has been some commentary suggesting that Australian jurisdictions should follow the Scottish model. The Scottish model incorporates ESOs or continued supervision within the original sentence. By imposing what would effectively be lifelong supervision at the time of sentencing, a court may destroy any incentive for an offender to rehabilitate themselves. I do not believe this is desirable. It is for these reasons that I will be supporting this bill.

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

JUDICIAL CONDUCT COMMISSIONER 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) (17:22): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill concerns the establishment of a transparent, formal and partially independent mechanism for dealing with complaints made against a judicial officer, be they derived internally or externally to the judicial system. There is no current system at all to deal with these matters, the only recourse being correspondence with the head of the jurisdiction of the judge in question. This has been justified in the past in the name of the undoubted constitutional principle of the independence of the judiciary. That argument can be taken too far. While it is absolutely clear that the functions of the judiciary, as a decision-making institution, should not be subject to the will of the executive, it by no means follows that any individual member of the judiciary should be immune from examination as to performance or examination as to conduct in the performance of their duties—or in their extra-judicial behaviour—that does not relate directly to the performance of the judiciary as an independent arm of government.

New South Wales has a large Judicial Commission, established in 1987 by the *Judicial Officers Act 1986*, and having a budget of about $6 million. The Commission consists of the heads of the NSW jurisdictions ex officio, and 4 appointed lay members. The Commission has a major function of dealing with complaints against the judiciary, but also has major functions in terms of developing sentencing statistics, compiling and up-dating a judicial 'bench book' and dealing with major aspects of judicial education.

Complaints are dealt with by the Conduct Division of the Commission. A Conduct Division is appointed by the Commission itself to hear each particular complaint. That Division will consist of 3 people—2 judicial officers and 1 lay member.

The Federal Court has a system of dealing with complaints against judges of that court by the establishment of ad hoc judicial commissions to deal with each case. This is to be found in the extensive and detailed provisions of the Commonwealth *Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012*. The Commissions are Parliamentary Commissions in the sense that each is established by resolution of both Houses of Parliament, but the membership is judicial, not Parliamentary.

The Australian Capital Territory has the *Judicial Commissions Act 1994*. The scheme is one for the examination and determination of complaints against judicial officers and is generally very similar to that in the Federal Court, but the Commission is appointed by the Attorney-General and not the Parliament.

There was published a Victorian *Judicial Commission of Victoria Bill 2010* under the then Labor Victorian Government, but it was never enacted. It was very similar to the New South Wales scheme.

This area of policy was examined by the Western Australian Law Reform Commission in 2012. The Commission broadly recommended a New South Wales scheme for Western Australia. Its recommendations have not been enacted. The report of the Law Reform Commission is an excellent source for the position in relation to complaints about judicial conduct in comparative jurisdictions.

This model exists for comparable jurisdictions overseas. For example, the United Kingdom has a system constituted under the *Judicial Discipline (Prescribed Procedures) Regulations 2006* made under the *Constitutional Reform Act 2005.*

It seems clear that to say that the principle of judicial independence insulates judicial officers from the independent and transparent examination of complaints from the public or other judicial officers is not a defensible position. The truth of this remark is fortified by the progressive establishment of judicial commissions to take on that task both in Australia and overseas.

There are not the same, or even similar, numbers of judicial officers across Australia. In late 2012, the Western Australian Law Reform Commission attempted a count. NSW had 300. Victoria had 243. WA, for whom a NSW system was to be recommended, had 135. SA had 84.

A full Judicial Commission on the NSW model, with corresponding expense, is not warranted on those numbers. The New Zealand model of a single Judicial Commissioner as enacted in the New Zealand *Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004*. This model provides a starting point us.

There will be a Judicial Conduct Commissioner, appointed by the Governor. The Commissioner will hold office for a term of 7 years and may be renewed up to a maximum term of 10 years. It is contemplated that the Commissioner will be either a very senior lawyer or a retired judicial officer. The usual formula for this is a practitioner of at least 7 years standing. The appointment must be scrutinised and approved by the Parliamentary Statutory Officers Committee. These provisions mirror those in the *Independent Commissioner Against Corruption Act 2012*.

The Commissioner can only be removed by address of both Houses of Parliament, and will be free, by statutory statement, from any direction by any person. He or she will, in other words, exercise his or her functions as an independent statutory officer. The principal function of the Commissioner will be to deal with complaints made against judicial officers in accordance with the scheme laid down by the Act. The Commissioner will have all of the powers necessary to carry out his or her function.

The principle of judicial independence, properly so-called, is to be preserved. It will not be the function of the Commissioner to call into question any judicial decision in any form given by a judicial officer in relation to judicial proceedings. The Bill makes that clear at several points.

In general terms, the complaints scheme works as follows. Once a complaint is received by the Commissioner, the Commissioner will conduct a preliminary examination of the complaint. This is a winnowing process. If the complaint is one to which the I*ndependent Commissioner Against Corruption Act 2012* applies, the complaint must be referred to the Office for Public Integrity and all further action suspended until that process is complete. The Commissioner must notify the relevant head of jurisdiction or senior judicial officer of any complaint received by his or her office.

The Commissioner may take no further action on the complaint if the Commissioner is satisfied, for any reason at all, that further consideration of the complaint cannot be justified. Examples of this may be that the complaint has already been resolved in some way, the complaint is based on a misunderstanding or the complainant has not co-operated to the satisfaction of the Commissioner.

The complaint must be dismissed at this stage if it is frivolous, vexatious or not made in good faith, if it is not within the jurisdiction of the Commissioner, if it is trivial, if it is an attempt to relitigate the merits of some litigation or if it has already been dealt with. That should not be considered an exhaustive list. The Commissioner has a discretion to proceed further with a complaint even if it is not made in accordance with the Act on the basis that technicalities should not necessarily bar justice.

If a complaint passes these hurdles, then it may be classified as more or less serious. If it is less serious, the Commissioner may refer it for action to the senior judicial officer of the jurisdiction of the judicial officer in question. Senior judicial officers are to be given extensive powers to act upon and resolve such complaints. The Commissioner may recommend that the senior judicial officer take action in a particular way.

The Commissioner must make the relevant jurisdictional head aware of most complaints and may recommend that the jurisdictional head take specified action. It is contemplated that, outside of the formal language of an Act of Parliament, the functions and powers of the Commissioner and the functions and powers of the jurisdictional head should operate co-operatively in the best interests of judicial independence on the one hand, and justly dealing with a bona fide complainant on the other.

The Commissioner has the power to report a complaint to the Parliament in limited circumstances if the Commissioner thinks that course is warranted, and the judicial officer concerned is subject to removal by address of both Houses under the Constitution.

If the Commissioner thinks that the course is warranted in light of the possibility that the removal of the judicial officer concerned may be at stake, the Commissioner may recommend to the Attorney-General that he or she appoint a Judicial Conduct Panel to hear the matter. The Attorney-General must consult the Chief Justice about the composition of the panel. In general terms, the panel will consist of two senior judicial officers and one lay member who is neither a judge nor a legal practitioner. The panel has the powers of a Royal Commission. It will report to the Attorney-General.

The Panel will have no independent powers to dismiss or discipline. Some judicial officers (such as Magistrates) may be removed from office by the Governor. In such cases, the report of the Panel, if in favour of removal, will go to the Governor. Some judicial officers may only be removed under the Constitution. In such cases, if the report is in favour of removal, the constitutional process will be invoked. That process will be begun by report by the Commissioner to the Parliament.

The Commissioner will be required to make a detailed annual report to Parliament.

Certain other amendments must be made. Many are consequential. For example, judicial review should not go in the ordinary course to a single judge of the Supreme Court. That could result in the invidious position where one judge is required to rule on the case against a fellow judge. Instead, judicial review should go to the Full Court.

There will be consequential provisions dealing with mechanical matters such as the service of documents, the protection of the contemplated process from obstruction or abuse and the confidentiality of reports and documents created in the course of the process. The general principle so far as the latter is concerned is that all documents and reports should be confidential by law unless released by the Commissioner.

There will be a strong provision designed to prevent information about the complaint from being published in the media or any medium of communication with the public generally at the discretion of the Commissioner. It should be borne steadily in mind that there is less need for wholesale protection, like that in the ICAC Act, here—complaints of, for example, judicial rudeness to a litigant or counsel are hardly the stuff of reputational breaking. Furthermore, judges have tenure—they are, rightly, secure in their position except in the most extraordinary of circumstances.

Consequential amendments to other Acts are required to acknowledge and bolster the new role and powers of the Commissioner. Two of these require detailed explanation.

The Solicitor-General has advised that the provisions of the Constitution that deal with the removal of judges require amendment. Sections 74 and 75 of *The Constitution Act 1934* say:

74—Tenure of office of Judges

The Commissions of all Judges of the Supreme Court shall be and remain in full force during their good behaviour until their retirement according to law.

75—Removal from office of Judges

It shall be lawful for the Governor to remove any Judge of the Supreme Court upon the address of both Houses of the Parliament.

The general effect of the advice is that these are two separate modes of dismissal. Put another way, dismissal under s 75 is not limited to the ground of failure to be of good behaviour and dismissal under s 74 does not require an address of both Houses of Parliament. Under s 15(1) of the *District Court Act 1991*, a District Court Judge may only be removed from office on address of both Houses of Parliament. It follows that, on current law, it is harder to remove a District Court Judge than a Supreme Court Judge. This is not sensible. The Constitution will be amended so that both may be removed only on an address of both Houses of Parliament. This can hardly be controversial as it increases constitutional protection for senior members of the judiciary in a principled way.

Second, jurisdictional heads will be given formal, statutory and extensive powers to direct the conduct of their jurisdictions and members of them in matters that do not impinge upon the principle of judicial independence. These powers are modelled on those contained in s 15 of the *Federal Court of Australia Act 1976*.

There are also regulation making powers. Most of these are very general in nature and follow routine practice. The exception is that there is power to make regulations to confer functions on the Commissioner relating to education and training or judicial officers and members of the legal profession. The reason for this is that, while the office of Commissioner is being set up in the first instance with a limited role in view, it may be that, in the future, it will be agreed to be expedient that the office of Commissioner take on a formal role in judicial and professional education akin to that undertaken by the more expansive Judicial Commission of New South Wales. A statutory reassurance is given that any such decision will be subject to the condition of consultation with the Chief Justice and, where appropriate, the Chief Judge and Chief Magistrate.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects

This clause sets out the objects of the measure.

4—Interpretation

This clause defines certain terms used in the measure and specifies that, for the purposes of the measure, 'conduct of a judicial officer' includes any act or omission whether occurring in the course of acting as a judicial officer or not and whether or resulting from an illness or incapacity.

5—Application of Act

This clause provides that the measure applies in addition to (and does not derogate from) other relevant Acts or laws.

Part 2—Judicial Conduct Commissioner

6—Functions and powers of Commissioner

Subclause (1) sets out the functions of the Judicial Conduct Commissioner (the Commissioner), being to receive and deal with complaints made in accordance with the measure in relation to the conduct of judicial officers as

well as any other functions prescribed by the regulations or by another Act. The Commissioner is not subject to direction in the exercise of these functions. Subclauses (4) and (5) deal with the powers of the Commissioner.

7—Appointment of Commissioner

This clause provides for the appointment of the Commissioner for a term not exceeding 7 years. A person is only eligible for appointment as the Commissioner if the person is a legal practitioner of at least 7 years standing or a former judge of the High Court of Australia, the Federal Court of Australia or the Supreme Court or any other court of a State or Territory of the Commonwealth. A person who is a judicial officer or member of an Australian Parliament is not eligible for the appointment. A person may be reappointed but may not hold the office for more than 10 years in total.

The Governor may suspend the Commissioner from office for contravention of a condition of appointment, misconduct or failure or incapacity to carry out official duties satisfactorily. If this occurs the Governor must lay before both Houses of Parliament a full statement of the reason for the suspension and either House of Parliament may present an address to the Governor requiring the Commissioner to be restored to office. If neither House of Parliament presents an address to the Governor within 20 sitting days, the Commissioner is removed from office.

This clause also provides for the circumstances in which the office of Commissioner becomes vacant.

8—Pension rights

This clause provides a power to apply the *Judges' Pensions Act 1971* to, or in relation to, the Commissioner as if the Commissioner were a Judge as defined in that Act and service as the Commissioner were judicial service as defined in that Act.

9—Acting Commissioner

A person may be appointed by the Governor to act as the Commissioner during any period for which no person is for the time being appointed as the Commissioner or the Commissioner is absent from, or unable to discharge, official duties. The terms and conditions of appointment are to be determined by the Governor, except that the person may not act as the Commissioner for more than 6 months in aggregate in any period of 12 months.

10—Staff

The Commissioner may engage employees on terms and conditions determined by the Commissioner. The Commissioner may also, under a Ministerial arrangement, make use of the services or staff of an administrative unit of the Public Service.

11—Delegation

This clause provides that the Commissioner may delegate a function or power of the Commissioner except a prescribed function or power.

Part 3—Complaints

12—Making of complaints

This clause provides that a person (other than a person prohibited from instituting proceedings under section 39 of the *Supreme Court Act 1935*) may make a complaint to the Commissioner about any conduct of a judicial officer. The clause provides for the form and content of an application. The Commissioner must give notice to the judicial officer and the relevant jurisdictional head of a complaint made.

In addition, the clause provides that the Commissioner may receive referrals relating to the conduct of a judicial officer from the Attorney-General or a jurisdictional head. The Commissioner may also on his or her own initiative, treat as a complaint any matters concerning the conduct of a judicial officer.

13—Preliminary examination of complaints

This clause provides for a preliminary examination of each complaint by the Commissioner conducted in any manner the Commissioner thinks fit (but in accordance with the principles of procedural fairness).

14—Request to postpone consideration of complaint

This clause allows a judicial officer to whom a complaint relates (being a compliant made during the course of a hearing conducted by the officer) to request that the Commissioner postpone consideration of the complaint until the hearing is completed, and further requires the Commissioner to grant the request if the hearing would be adversely affected by considering the complaint.

15—Referral of complaint to OPI

If the Commissioner is of the opinion that a complaint relates to conduct that may comprise corruption in public administration within the meaning of the *Independent Commissioner Against Corruption Act 2012,* the Commissioner must refer the complaint to the Office for Public Integrity to be dealt with under that Act and consideration of the complaint by the Commissioner is postponed.

16—Power to take no further action

This clause provides that the Commissioner may take no further action in respect of a complaint if satisfied that further consideration of the complaint would, in all the circumstances, be unjustified.

17—Dismissal of complaint

This clause provides that the Commissioner must dismiss the complaint if he or she is of the opinion that—

- the complaint is not within the Commissioner's jurisdiction; or
- the complaint has no bearing on judicial functions or judicial duties; or
- the complaint has been made for an improper purpose or is otherwise frivolous, vexatious, or not in good faith; or
- the subject matter of the complaint is trivial; or
- the complaint is about a judicial decision, or other judicial function, that is or was subject to a right of appeal or right to apply for judicial review or dealing with the complaint would otherwise require the Commissioner to challenge or call into question the legality or correctness of any instruction, direction, order, judgment, or other decision given or made by a judicial officer in relation to any legal proceedings; or
- the person who is the subject of the complaint is no longer a judicial officer; or
- he or she has considered or previously considered the subject matter of the complaint and has decided to take no further action or has determined that the subject matter of the complaint could not, if substantiated, warrant action under clause 18, 19 or 20.

18—Referral of complaint to relevant jurisdictional head

The Commissioner must refer a complaint to the relevant jurisdictional head before taking other action under the measure (other than a complaint that has come from that jurisdictional head) unless the Commissioner—

- exercises his or her power to take no further action in respect of the complaint; or
- dismisses the complaint.

The Commissioner may, on referring a complaint, recommend that the relevant jurisdictional head take specified action in relation to the complaint or may advise the relevant jurisdictional head that the Commissioner is of the opinion that the complaint is not able to be satisfactorily dealt with by the taking of any action by the relevant jurisdictional head and that the Commissioner intends to make a report on the complaint to the Parliament or make a recommendation to the Attorney-General to appoint a judicial conduct panel. The relevant jurisdictional head must give the Commissioner written notification of any action taken by the relevant jurisdictional head in relation to the complaint. The Commissioner may make reports to the Attorney-General in relation to action taken under or in connection with the section

19—Immediate report to Parliament

This clause provides that the Commissioner may make a report on a complaint to the Parliament in certain circumstances (and provided that the judicial officer is subject to removal on an address from both Houses of Parliament).

20—Recommendation to appoint judicial conduct panel

The Commissioner may recommend to the Attorney-General that he or she appoint a judicial conduct panel to inquire into matters concerning the conduct of a judicial officer if of the opinion that an inquiry is necessary or justified and, if established, the conduct may warrant consideration of removal of the judicial officer.

Part 4—Judicial conduct panels

21—Appointment of judicial conduct panels

This clause provides for the appointment of judicial conduct panels by the Attorney-General (on the recommendation of the Commissioner) to inquire into, and report on, any matters concerning the conduct of a judicial officer. A judicial conduct panel will consist of 3 members comprised of 2 eligible judicial officers and 1 lay member.

22—Dissolution of panel if member unable to continue

If a member of a judicial conduct panel is unable to continue, then the presiding member must dissolve the panel and the Attorney-General is to appoint a new panel.

23—Functions and procedures of panel

This clause provides that a judicial conduct panel must inquire into, and report on, the matters concerning the conduct of a judicial officer referred to it by the Attorney-General and may inquire into, and report on, any other matters concerning the conduct of the judicial officer that arise in the course of its dealing with the referral.

Subject to the measure, the procedure for the calling of meetings and for the conduct of business is determined by the panel but the panel must—

- act in accordance with the principles of procedural fairness; and
- hold all meetings in private; and
- call meetings and conduct business in accordance with any guidelines approved by the Chief Justice of the Supreme Court.

24—Powers of panel

This clause provides that a judicial conduct panel has the powers of a commission as defined in the *Royal Commissions Act 1917*. Specifically, the clause provides that a judicial conduct panel may require a judicial officer to undergo 1 or more medical examinations for the purpose of assisting in determining whether proper cause exists for removing the judicial officer from office.

25—Report by panel

This clause provides that a judicial conduct panel must, at the conclusion of its inquiry, provide a report to the Attorney-General which must set out—

- the panel's findings of fact; and
- the panel's opinion as to whether removal of the judicial officer is justified; and
- the reasons for the panel's conclusion.

The Attorney-General must cause a copy of the report to be laid before each House of Parliament.

26—Removal of judicial officer

This clause provides for the removal of a judicial officer from office. If the judicial officer is a Judge who is liable to be removed from office (pursuant to the *Constitution Act 1934* or any other Act or law) on an address from both Houses of Parliament, the Judge may be removed from office on such an address. In any other case, a judicial officer may be removed from office by the Governor if a judicial conduct panel concludes that removal of the judicial officer is justified.

Part 5—Miscellaneous

27—Commissioner's annual report

The Commissioner must, before 30 September in each year, prepare a report on the operation of the measure.

28—Attorney-General may request information about complaints

The Commissioner must, at the request of the Attorney-General, provide the Attorney-General with information about the exercise of the Commissioner's functions under the measure.

29—Judicial review

This clause provides that any application for judicial review of a decision under the measure must be made to the Full Court of the Supreme Court.

30—Immunity from liability

This clause provides that no liability attaches to the Commissioner, any member of the Commissioner's staff or the members of a judicial conduct panel for any act or omission in good faith in the exercise or purported exercise of powers or functions under this measure or any Act.

31—No obligation on persons to maintain secrecy

This clause is designed to enable a person to disclose information to the Commissioner or a judicial conduct panel despite the provisions of any other Act or common law relating to confidentiality. This would extend to confessional disclosures and medical disclosures but does not extend to secrecy regarding informants.

32—Confidentiality, disclosure of information and publication of reports

It is an offence for a person to disclose information obtained in the course of the administration of the measure except in the circumstances set out in subclause (1). Subclause (2) allows the Commissioner to authorise disclosure if of the opinion that it is in the public interest. If information is passed on, the person to whom it is passed on is bound

by the same rules of confidentiality. Subclause (3) allows the Commissioner to publish reports if of the opinion that it is in the public interest to do so.

33—Publication of information and evidence

This clause provides that a person must not, except as authorised by the Commissioner or a court, publish, or cause to be published information or evidence relating to a complaint if publication of the information or evidence is prohibited by the Commissioner. Information is published if it is communicated to the public as defined in the clause. Breach of the clause is an offence.

34—Other offences

This clause provides 2 further offences in relation to the administration of the measure which each carry a maximum penalty of $10 000 or imprisonment for 2 years.

Firstly, a person must not—

- prevent another person from making a complaint under the measure; or
- hinder or obstruct another person in making such a complaint.

Secondly, a person must not—

- hinder or obstruct the Commissioner or a judicial conduct panel in the exercise or performance of powers or functions conferred by or under the measure; or
- refuse or fail to comply with a lawful requirement of the Commissioner or a judicial conduct panel under the measure; or
- make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) to the Commissioner or a judicial conduct panel acting in the exercise of powers under the measure; or
- make a complaint knowing that there are no grounds for the making of the complaint.

35—Service

This clause provides for the manner of service of a notice, report or other document required or authorised to be given to or served on a person under the measure.

36—Regulations

This clause provides a regulation making power.

Schedule 1—Related amendments

Part 1—Amendment of *Constitution Act 1934*

1—Amendment of section 74—Tenure of office of Judges

This clause amends section 74 of the Constitution Act 1934 to clarify that the section does not give rise to a separate power to dismiss a Judge of the Supreme Court. The power to dismiss a Judge of the Supreme Court is contained in section 75 of the *Constitution Act 1934*.

2—Insertion of section 75A

This clause inserts new section 75A to provide that nothing in Part 4 of the *Constitution Act 1934* affects the operation of the measure.

Part 2—Amendment of *Courts Administration Act 1993*

3—Insertion of Part 5A

This clause inserts new Part 5A into the Courts Administration Act 1993 which provides that the jurisdictional head of a court is responsible for ensuring the effective, orderly and expeditious discharge of the business of that court. Court, for the purposes of the Part, includes a tribunal or other body the functions of which include the exercise of judicial powers. The clause provides matters which constitute functions of a jurisdictional head and also provides matters that a jurisdictional head may do in respect of the management of a court and in respect of judicial officers for the purposes of ensuring the effective, orderly and expeditious discharge of the business of the court. The clause provides that the jurisdictional head may take any measures that the jurisdictional head believes are reasonably necessary to maintain public confidence in the court.

Importantly for the measure, this clause provides for action that a jurisdictional head may take in relation to complaints referred to the jurisdictional head under the *Judicial Conduct Commissioner Act 2015*. If a judicial officer refuses or fails to comply with a requirement made by the jurisdictional head in response to a complaint referred under the *Judicial Conduct Commissioner Act 2015*, the jurisdictional head must, by notice in writing, report that refusal or failure to the Attorney-General and to the Judicial Conduct Commissioner (and the report to the Judicial Conduct

Commissioner will be taken to be a referral under that Act). A jurisdictional head of a court must also give notice to the Judicial Conduct Commissioner of any complaint made to the jurisdictional head in relation to the conduct of a judicial officer of the court.

Part 3—Amendment of *District Court Act 1991*

4—Amendment of section 15—Removal of Judges and Masters

This clause amends section 15 of the District Court Act 1991 to provide for the removal of a Master under that Act by the Governor in accordance with the *Judicial Conduct Commissioner Act 2015* in addition to the current manner of removal.

Part 4—Amendment of *Equal Opportunity Act 1984*

5—Amendment of section 87—Sexual harassment

Section 87(6b) of the *Equal Opportunity Act 1984* currently provides an exception to sexual harassment by a judicial officer of a non-judicial officer or a member of the court staff of a court under section 87(6a) of that Act. The exception will apply in relation to anything said or done by a judicial officer in court or in chambers in the exercise, or purported exercise, of judicial powers or functions or in the discharge, or purported discharge, of judicial duties. This clause provides that conduct to which the exception applies may nevertheless be the subject of a complaint under the *Judicial Conduct Commissioner Act 2015*.

Part 5—Amendment of *Freedom of Information Act 1991*

6—Amendment of Schedule 2—Exempt agencies

This clause amends the Freedom of Information Act 1991 such that the Judicial Conduct Commissioner and a judicial conduct panel under the *Judicial Conduct Commissioner Act 2015* are exempt agencies for the purposes of the *Freedom of Information Act 1991*.

Part 6—Amendment of *Judges' Pensions Act 1971*

7—Substitution of section 13

This clause substitutes section 13 of the *Judges' Pensions Act 1971* to provide that unless the Governor otherwise directs, a pension under that Act is not payable to, or in relation to, a Judge who has been removed from office (whether pursuant to the *Constitution Act 1934* or otherwise under an Act or law).

Part 7—Amendment of Justices of the *Peace Act 2005*

8—Amendment of section 9—Tenure of office

This clause is consequential.

9—Insertion of section 10A

This clause inserts a new provision dealing with suspension and removal of special justices (because special justices will be judicial officers for the purposes of the measure, whereas ordinary justices will not)

10—Amendment of section 11—Disciplinary action, suspension and removal of other justices

This clause is consequential to clause 9.

Part 8—Amendment of *Magistrates Act 1983*

11—Repeal of section 8

This clause repeals section 8 of the Magistrates Act 1983 because it will be unnecessary if proposed Part 5A of the *Courts Administration Act 1993* is enacted.

12—Amendment of section 9—Tenure of office

This clause amends section 9 of the *Magistrates Act 1983* to provide that a Magistrate, when removed by the Governor, is to be removed in accordance with the *Judicial Conduct Commissioner Act 2015*.

13—Amendment of section 10—Suspension from office

This clause amends section 10 of the *Magistrates Act 1983* to make a consequential amendment and to provide that a magistrate may only be suspended from office under that section.

14—Repeal of sections 11 and 12

This clause repeals sections 11 and 12 of the *Magistrates Act 1983* which provide for the removal from office of magistrates.

Part 9—Amendment of *Ombudsman Act 1972*

15—Amendment of section 5—Non-application of Act

This clause amends section 5 of the *Ombudsman Act 1972* to provide that it does not apply in relation to any complaint to which the *Judicial Conduct Commissioner Act 2015* applies or any matter to which that Act would apply if the matter were the subject of a complaint under that Act.

Debate adjourned on motion of Hon. D.W. Ridgway.

HEALTH CARE (ADMINISTRATION) AMENDMENT BILL

Introduction and First Reading

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

At 17:26 the council adjourned until Wednesday 3 June 2015 at 14:15.

Answers to Questions

CONSULTANTS AND CONTRACTORS

59 The Hon. R.I. LUCAS (3 December 2014). (First Session) Since 1 January 2014:

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister, who had previously received a separation package from the State Government; and

2. If so—

(a) what number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number were engaged as a contractor?

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

The department has not identified any employee who has separated with a TVSP as having been directly re-employed or engaged as a consultant or contractor into the Department of the Premier and Cabinet.

This response covers portions of the following portfolio's that the Department of the Premier and Cabinet report to:

- Attorney General (QON #60)
- Minister for State Development (QON #61)
- Minister for the Public Sector (QON #64).

FORREST REVIEW

In reply to **the Hon. T.A. FRANKS** (17 September 2014). (First Session)

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

Closing the gap between the outcomes for Aboriginal and non-Aboriginal South Australians is a priority for this government.

The Forrest Review provides an ambitious vision for improving outcomes for Aboriginal people, proposing reforms to the ways that the Australian Government and to a lesser degree States and Territories support Aboriginal people. The Premier has indicated his broad support for the review.

However there are many aspects that require clarification, including strategies that support implementation of the recommendations.

The Australian Government continues to consider the review and how it may be implemented.

Consultations have been held by the Commissioner for Aboriginal Engagement on the review and further consultation will occur on proposed implementation strategies for recommendations that are progressed.