LEGISLATIVE COUNCIL

Thursday, 18 June 2015

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Budget Paper No. 1—Budget Overview 2015-16
Budget Paper No. 2—Budget Speech 2015-16
Budget Paper No. 3—Budget Statement 2015-16
Budget Paper No. 4—Agency Statements -Volume 1 2015-16
Budget Paper No. 4—Agency Statements -Volume 2 2015-16
Budget Paper No. 4—Agency Statements -Volume 3 2015-16
Budget Paper No. 4—Agency Statements -Volume 4 2015-16
Budget Paper No. 5—Budget Measures Statement 2015-16
Government Response to the State Tax Review

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

Department for Education and Child Development—Report, 2014
Chief Public Health Officer's Report on the South Australian Public Health Act 2011, dated July 2012-June 2014
Chief Public Health Officer's Summary Report on the South Australian Public Health Act 2011, dated July 2012-June 2014

Parliamentary Committees

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (14:19): By leave, I move:

That the Hon. J.A. Darley and the Hon. T.A. Franks be substituted in place of the Hon. J.M. Gazzola and the Hon. G.A. Kandelaars (resigned) on the Select Committee on Statutory Child Protection and Care in South Australia.

Motion carried.

Question Time

CHINA TRADE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the recent super mission to China.

Leave granted.

The Hon. R.L. Brokenshire: Successful super mission.

The Hon. D.W. RIDGWAY: The Hon. Robert Brokenshire interjects, and I know that is out of order, that it was a 'successful super mission', but the proof will be some years off before we know whether it has been successful. It has been well documented that there were well over 50 public servants and ministers, including ministers, staff and public sector bureaucrats along with some 34 local government representatives, including mayors and chief executives from a number of councils across South Australia, and about another 170 delegates from the private sector. I think it

added up to some 250 participants on that particular super mission. At the time it was described as South Australia's largest ever overseas trade mission.

The government has been quite secretive on the budgeted cost of the trip. They have chosen not to disclose any of the costs, but we know that it would have included all the airfares, accommodation, internal travel costs inside the particular country that they visited and daily allowances—per diems—for the government officials and ministers. Also, I have been made aware that a number of additional resources were required, being consultants on the ground to put these programs together. My questions to the minister are:

1. How many external consultants were engaged to make arrangements for her particular components of the mission?

2. What was the total cost of those external consultants contracted by her department to assist with the trade mission?

3. How many extra external consultants for all the other ministers were used to put together their programs; and what was the cost of their participation?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:21): I thank the honourable member for his most important question. I am not too sure what the honourable member means by 'external consultants'. I gather that means someone not part of the government. In terms of my own itinerary, I am not sure of any external consultants that were used, but I am happy to double-check that and bring back a response. The mission was an extremely successful delegation—

The Hon. D.W. Ridgway: How do you know?

The Hon. G.E. GAGO: —extremely successful. They say, 'How do I know?' and I am happy to outline how I do know that.

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: I know interjections are out of order, but I am happy to outline how I do know that it was an extremely successful mission. It was the largest delegation South Australia has ever sent. We were received extremely well wherever we went. Our commitment resonated very well, and we were well received and our considerations and negotiations were progressed very quickly on a number of fronts.

First, I received a great deal of feedback from delegates, other government members and also private businesses, various organisations that were represented from the private sector and local government. There was a significant local government contingency, and the feedback was just marvellous. So those delegates who went there were reporting back a range of deals that were signed, sealed and delivered there and then.

The Hon. D.W. Ridgway: What were they?

The Hon. G.E. GAGO: I will get to that; I am happy to talk about that. Others progressed their negotiations significantly, and a wide range of commitments were established. A total of 21 MOUs were signed defining new areas for cooperation with business in terms of government administration, education, research and development.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: The Hon. Mr Ridgway, if you want to ask a supplementary do so, but don't ask a question while the minister is giving you an answer.

The Hon. G.E. GAGO: These agreements will result in new trade, investment and R&D activity between our regions, generating new jobs and wealth for South Australia. MOUs included:

- a three-way agreement between the governments of South Australia, Shandong Province and the China Development Bank to find new ways of funding development;

- an agreement between PIRSA and the Shandong department in terms of oceanic and fisheries to promote collaboration in fisheries, aquaculture and marine development; and
- an agreement to establish a China-Australia joint innovation centre for cell therapy between the University of South Australia and Shandong University to give access to the China market for cell therapies developed at the University of South Australia.

In terms of the culture which I had quite a bit to do with on behalf of minister Snelling, the Adelaide Festival Centre and the Shandong Department of Culture signed a new MOU that will provide the opportunity for a South Australian cultural showcase to travel to Shandong in 2016. Many areas of opportunity were identified, and an agreement was struck for a commercial delivery of South Australia's cutting-edge one card library card system in Shandong.

In terms of agribusiness, food and wine, more than 50 of South Australia's leading agribusiness, food and wine companies worked together to lift the level of awareness of South Australia as a key trade and investment partner for Shandong businesses. In addition, a number of companies wrote new commercial deals. One Chinese dairy company signed an MOU for $20 million worth of investment in South Australia's dairy production. A South Australian company, Cleanseas, signed a new deal there at that time to supply 40 tonnes of bluefin tuna to China. At least three South Australian seafood companies made commercial progress towards the exported product.

Wine producers also found the mission highly successful. One company, Seppeltsfield, closed a deal there and then to supply 1.5 million litres of premium wine to the Chinese Nanshan Group annually. The Red Lion Boys wine group also sold wine during the mission, and there are many other examples as well.

I also want to quickly talk about education. South Australia's universities continued to build on their already strong connections with universities and research institutions in the Shandong province. At a government-to-government level, firm proposals were developed for professional development and cultural exchange programs, including the delivery of a program for visiting Shandong County Mayors in Adelaide in late 2015.

TAFE SA signed an MOU with Quingdao Number 6 High School, the city's top design school, to collaborate on courses providing pathways to university; and a private training group, Hessel Group, signed an MOU with leading childcare provider, PKU College in Beijing, to deliver training to teachers and principals working in preschools.

I could go through tourism, local government, health—the list is extremely long—but I've outlined just a couple of the key features and the key successful outcomes from that trip. As I said, the feedback from delegates—and I spoke to many of them while I was away—was extremely positive and they all agreed that it was a huge success and also that it was one of the best organised delegations that they had ever attended. That feedback was constant as well.

So, they were extremely pleased and very proud to be part of such an important delegation, because we know particularly in Asia and China that government imprimatur is extremely important to be able to progress private transactions. As I have outlined, a great deal of progress was made, with a number of successful outcomes already achieved and many in the pipeline.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:29): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on the topic of marine parks.

Leave granted.

The Hon. J.M.A. LENSINK: Last year, in response to a supplementary question, the minister made this comment: 'One of the requirements from minister Brock was that we actually scrutinise once again any potential economic impact on the three key zones of concern.' Those comments related to the marine parks regional impact statements. Minister Brock himself in the debate on the marine parks bill in September last year stated, 'If these assessments identify areas of immediate economic concern, then these will be addressed as soon as they are identified rather than waiting for the completion of the review.'

On morning radio this morning, the minister indicated that there was not any likelihood that there will be any changes to the zoning as a result of the regional impact studies. My questions for the minister are:

1. What conditions did minister Brock place on the condition that in exchange for his support he wanted these regional impact studies done?

2. Given that the clear impression from government has been that this is a continuous reporting process and any changes identified would result from some activity, can the minister report what the status of the regional impact studies has been to date?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): I thank the honourable member for her most important question and the opportunity to put again on the record the wonderful work the state government has done in terms of marine parks in this state. On 18 September 2014, the government committed to completing regional impact assessment statements for Port Wakefield, Ceduna and Kangaroo Island. These assessments will investigate any social or economic effects on these areas that may result from sanctuary zones which came into full effect on 1 October 2014. The assessments will be completed by 1 October 2015.

However, the honourable member is quite right. It has been made clear all along that information will be considered as it becomes available and if a significant concern is identified, the government will immediately begin work to find the best way to address it rather than waiting until the end of the assessment process. This is a very common-sense approach that the government has adopted on the recommendation of minister Brock. Minister Brock, of course, applies a very common-sense approach to his ministerial duties, and this was—

Members interjecting:

The Hon. I.K. HUNTER: Well—

The PRESIDENT: The Hon. Mr Wade.

ABORIGINAL ECONOMIC DEVELOPMENT

The Hon. S.G. WADE (14:32): I seek leave to make a brief explanation—

The Hon. I.K. Hunter: Were you interjecting?

The PRESIDENT: No, you're finished. I have called the Hon. Mr Wade.

Members interjecting:

The PRESIDENT: Minister, if they don't want to listen to your answer, we will go to the next question. The Hon. Mr Wade.

The Hon. J.M.A. Lensink: This is outrageous.

The PRESIDENT: No, it's not outrageous; let them speak in silence.

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation in relation to Aboriginal economic development.

Leave granted.

The Hon. S.G. WADE: Supply Nation is a business broker that integrates small to medium-sized Indigenous businesses into the supply chains of Australian companies and government agencies. In last year's budget, the Treasurer announced that the government would spend $360,000 over four years to 'support a partnership between Supply Nation and local Aboriginal enterprises'. This partnership would 'lead to greater economic participation for Aboriginal South Australians'.

The budget measures statement explained that the funding would be provided to Supply Nation, who would then assist the state's Aboriginal businesses to identify and secure contracts to improve employment opportunities within Aboriginal communities. The budget measures statement also indicated that around 20 per cent of the total allocation ($75,000) would be spent in the 2014-15 financial year.

During the budget estimates process, the then minister for Aboriginal Affairs and Reconciliation added that as part of this initiative, the government would be 'negotiating and funding Supply Nation memberships for key South Australian government agencies and assisting Supply Nation to have an increased presence in South Australia'. My questions to the minister are:

1. Can the minister advise the council of the value derived from the Supply Nation funding, in particular how many businesses owned and operated by members of South Australian Aboriginal communities has Supply Nation assisted since the budget announcement last June?

2. In how many of these cases has the assistance helped the business secure a contract with a government agency or a non-government company or led to new employment opportunities for local Aboriginal people?

3. How many South Australian government agencies have registered with Supply Nation since the budget announcement last year?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:34): I thank the honourable member for his question. We are, as a government, working with Supply Nation and we are also working with the Industry Capability Network in relation to an Aboriginal business register. I can undertake to the honourable member that, when there is a review done of how the program is going and what targets it has met, I will inform the honourable member of the results of that review.

The PRESIDENT: Supplementary, Mr Wade.

ABORIGINAL ECONOMIC DEVELOPMENT

The Hon. S.G. WADE (14:35): I would ask the minister to take that question on notice. Parliament doesn't have to wait for a four-year program to finish and for an evaluation before a minister will be held accountable for the outcomes that this government has promised this year.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:35): The program will be reviewed in due course.

UNIVERSITY OF SOUTH AUSTRALIA

The Hon. G.A. KANDELAARS (14:35): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the University of South Australia.

Leave granted.

The Hon. G.A. KANDELAARS: The University of South Australia is considered to be one of the younger universities in Australia, approaching its 25th year. I must say that I do have a personal interest: my daughter actually attained her degree and PhD out of the University of South Australia, and it is an excellent institution.

The Hon. J.S.L. Dawkins: Must have got her brains from her mother, did she?

The Hon. G.A. KANDELAARS: Can the minister update the chamber about a significant achievement for the University of South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:36): I thank the honourable member for his most important question. As a matter of course, obviously, I don't seek to provide a running commentary about university rankings, given that there is a great deal of difference in ranking criteria for each ranking system, based on a range of variables. However, I would like to take this opportunity, on behalf of the government, to acknowledge and congratulate the University of South Australia on its rapid rise in the Times Higher Education World University Rankings: 100 Under 50, which ranks universities under 50 years of age.

For those who may not be aware, the Times Higher Education ranking is one of the world's three most prestigious university ranking systems. The Times Higher Education World University

Rankings: 100 Under 50 is a subset of the Times Higher Education World University Rankings, utilising the same indicators—teaching, research, citations, industry outcome and international outlook—but with less weight assigned to academic reputation, which is the cornerstone of the Oxbridge, Ivy League and Group of Eight universities.

I am pleased to advise the chamber that UniSA rose from number 49 to number 34 in the world, consolidating its position alongside only half a dozen other Australian universities in the top 50. While UniSA has a long pedigree of antecedents dating back to the 19th century, its status as a university began only 25 years ago, so this is a very significant achievement. Universities in the top 100 Under 50 category are often described as the rising stars or the new breed of the tertiary sector. They are seen as innovative and as risk-takers, which is commensurate with UniSA's branding as the University of Enterprise.

With 16 young Australian universities in the top 100, it is only a matter of time before they make their mark in the broader ranking systems. I'm confident that this recent rise in UniSA's ranking will further assist its national and international reputation to see UniSA continuing to develop professional graduates who assist the economic growth of South Australia. I'm glad to hear that the Hon. Mr Kandelaars' daughter is amongst those, clearly getting her brains from her dad, as well as her mum.

More broadly, as minister responsible for higher education, I believe we have much to be proud of in our tertiary sector. I'm confident that all of our public and private universities continue to provide high-quality education opportunities, as well as having some of the best teaching staff in the nation. It is also testimony to the quality of our state's universities that South Australia is the only state in Australia in which all our public universities appear on one or more of the international ranking systems, firmly placing us in the top 10 per cent of universities in the world. Once again, I would just like to take this opportunity to congratulate the University of South Australia on this very significant achievement.

ABORIGINAL HEALTH

The Hon. K.L. VINCENT (14:40): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation regarding Aboriginal community controlled health services.

Leave granted.

The Hon. K.L. VINCENT: According to the Australian Institute of Health and Welfare's Healthy Futures Report Card 2015, between 2012 and 2013 Aboriginal community controlled health services saw over 250,000 Aboriginal clients, who received almost 2.1 million episodes of care. Of these, 210,000 Aboriginal people were regular clients. Within Australia, I am told that of 134 Aboriginal community controlled health services, 57 per cent reported a health service gap in mental health and social and emotional wellbeing. This was the highest percentage of a recognised health service gap, with youth services, dental services, alcohol, tobacco and other drugs, and prevention or early detection of chronic disease also reported as having a significant gap in service provision.

Additionally, with the social and economic effects of overcrowding known, alarmingly, 2011 national census data shows that there were 115,555, or 25.4 per cent, of the total Indigenous population living in crowded households. The percentage of overcrowding increases with the remoteness of a household. The report notes also that the Indigenous infant mortality rate remains double that of non-Indigenous Australians. So, my questions of the minister are:

1. Will the minister ensure overall system reform so that adequate mental health and social and economic wellbeing services are delivered to Indigenous South Australians?

2. What cost benefits has the government identified from early intervention services for Indigenous South Australians in mental health and social and economic wellbeing?

3. With significant evidence of overcrowding, what additional housing resources could be identified and afforded, especially for Aboriginal people living in remote communities?

4. What is the minister doing to improve the infant mortality rate in this cohort?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:42): I thank the honourable member for her very important questions in a number of areas that have to do with areas where Aboriginal people face significant disadvantage and important areas that are needed to be addressed to close the gap. In relation to the first, second and fourth questions, I will refer them to the Minister for Health in another place and bring back a reply.

In relation to the third question, I will refer that to the Minister for Social Housing in another place and bring back a reply. I note that they are very serious questions—and, of course, these areas go to a whole lot of other areas in government—and that getting these things right helps with overcoming disadvantage and progressing a lot of areas. So, I thank the honourable member for her questions and will bring back those replies from other ministers.

ABORIGINAL HEALTH

The Hon. K.L. VINCENT (14:43): I appreciate that the minister believes that these areas mostly fall outside of his jurisdiction, but I also know that he has visited the lands and I wonder if he has, from those visits, identified any potential models particularly to do with crowded households in remote areas?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:43): I thank the honourable member for her supplementary question. Yes, there are a range of different models in relation to housing that can help to overcome overcrowding. I know there has been a very significant investment, particularly on the APY lands, in remote Indigenous housing and I will bring back a more detailed reply after consultation with the minister responsible for remote Indigenous housing.

EYRE PENINSULA WATER SUPPLY

The Hon. T.J. STEPHENS (14:44): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions about the Eyre Peninsula NRM draft water allocation plan.

Leave granted.

The Hon. T.J. STEPHENS: The Eyre Peninsula Natural Resources Management Board has released a new draft water allocation plan (draft WAP) for the Southern Basins and Musgrave Prescribed Wells Area. That draft WAP is currently out for consultation.

Late last week I visited the Eyre Peninsula and spent some time with that very good, hard-working and competent member for Flinders, Mr Peter Treloar, and this particular issue was raised with us—actually, on a number of occasions. My question to the minister is: what will the draft WAP do to address serious and ongoing water security issues on the Eyre Peninsula?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:45): I thank the honourable member for his most important question. As I understand it, there are currently two water allocation plans in operation on the Eyre Peninsula: the water allocation plan for the Musgrave Prescribed Wells Area near Elliston and the Southern Basins Prescribed Wells Area near Port Lincoln.

In 2010 the Eyre Peninsula Natural Resources Management Board completed a statutory review of the current water allocation plans. The review determined that these plans required significant amendment. It was also decided that a new draft water allocation plan would encompass both prescribed wells areas.

The draft water allocation plan has been prepared following significant research, policy development and consultation with stakeholders. This has provided a better understanding of the prescribed groundwater resources and will enable improved management. In particular, the new unbundled water licence system separates water rights, which will facilitate water trade and enable more flexible management.

Following an extensive review by the Crown Solicitor's Office, the NRM Board released the draft plan for consultation on 23 March 2015 for a nine or 12 week consultation period closing on 12 June 2015 (I will do my sums later and correct that). The NRM board hosted stakeholder meetings and open house forums in Port Lincoln and Elliston from 7 to 9 April, which were attended by 55 community members plus board members and departmental staff.

The board hosted additional stakeholder meetings in Port Lincoln and Elliston on 29 and 30 April to work through some of the issues that had been raised in more detail. These meetings were attended by 21 community members plus board members and departmental staff. The attending community members were pleased with the opportunity to participate in discussion and genuine engagement around their key issues and concerns, and that is understandable.

To date the board has received seven formal submissions to the draft water allocation plan. Feedback sessions will be held once consultation has closed to inform the community of the issues raised, what is planned to be amended as a result, and why. The NRM board will document all feedback and submissions in a consultation report that will accompany the amended draft water allocation plan that will be provided to me for consideration and endorsement once consultation has concluded.

Clearly, it would be improper for me to start to speculate on what might be adopted. I await the report from the NRM board following those community consultations. I would also like to take this opportunity to thank Mr Shane Webster for his indefatigable service to me and my office. As he now boldly goes to explore new worlds and new career frontiers, I would like to offer him my most sincere salutation to live long and prosper.

CARBON NEUTRAL ADELAIDE

The PRESIDENT: The Hon. Mr Gazzola.

Members interjecting:

The PRESIDENT: The Hon. Mr Gazzola has the floor.

The Hon. J.M. GAZZOLA (14:48): My question is to the Minister for Climate Change. Will the minister inform the chamber about recent activities to progress the goal of making Adelaide the world's first carbon-neutral city?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:48): I would love to. Mr President, 2015 is certainly turning out to be a year of action on climate change, at least in South Australia as well as Victoria and New South Wales. Those governments are taking climate change seriously, but unfortunately not so much at the federal level.

Since the Governor announced our goal to make Adelaide carbon neutral in February of this year, things have been progressing. In April we became the first Australian state where the state government and city council both signed key international agreements on climate change through the Compact of States and Regions and the Compact of Mayors, and on Monday 4 May we hosted the jurisdictional meeting on climate change, with the executive secretary of the UN Framework Convention on Climate Change, Ms Christiane Figueres, addressing the meeting. Ms Figueres reconfirmed what we have long been committed to, that transitioning to a low-carbon economy will attract investment, drive innovation and create jobs.

On Tuesday 19 May a delegation of international experts from the Asia Pacific Environment Research Committee (APERC) included Adelaide as part of their tour to visit low-carbon cities because they had heard about our ambition to become the world's first carbon-neutral city.

APERC was established in 1996, I am advised, to support the energy activities of the Asia-Pacific Economic Cooperation (APEC). One of APERC's projects is the low carbon model town aimed at combining energy-efficient buildings, transport and power systems to create communities that affordably reduce energy use and carbon emissions, whilst creating pleasant living conditions for their communities.

The visiting experts have been working with cities across the Asia Pacific region, including Portland in the U.S. and Yokohama in Japan, to develop a set of low carbon city indicators. They

came to Adelaide to see whether these indicators can apply to Adelaide and assist with our goal to make Adelaide carbon neutral in partnership with the Adelaide City Council. As part of their visit they got a taste of the innovative work being done by our universities and other institutions in the areas of hybrid cars, biofuels, solar, water-sensitive design and buildings. They visited the Bowden and Tonsley Park development precincts to see the innovative way we are converting these sites.

This delegation came on the back of the Leaders and Leading Thinkers Forum that was held on Friday 8 May to begin discussions about how to turn the goal of a carbon-neutral Adelaide into a reality. What is clear is that we need a model that is both innovative and bold. It is not good enough for a government to go it alone. Our leadership must empower both business and our residents, and foster a sense of collaboration and community input across the city.

We will need to build on our strengths and make some tough decisions that will create the necessary change required to meet our carbon neutrality target. South Australia is very much in transition at the moment, with traditional industries declining and new ones emerging. In this context, moving towards a low-carbon economy has the potential to attract investment, drive innovation and create jobs. It will enable us to reduce our reliance on fossil fuels, invest in clean energy and devise new financing mechanisms. We are already sharing and trading our clean technology expertise within our region, and there is enormous capacity to expand on this. These industries will provide the jobs of the future and position Australia as a key player in helping the world realise a low-carbon future. The Leaders and Leading Thinkers workshop was a first step.

The Adelaide City Council and the Department of Environment, Water and Natural Resources will now refine their ideas and suggestions that came out of these workshops to formulate the next steps. In addition, we will be progressing formal governance arrangements between the council and the state government. We will be working with the Conservation Council to bring into partnership residents and the City of Adelaide to come on board with this ambitious plan. I will be encouraging people to get on board across the board and contribute to this exciting initiative that has the potential to open up many opportunities for Adelaide and the entire state.

Can I say to the federal government that if they are not going to get on board, then get out of our way and stop bragging to Alan Jones that you want to reduce renewable energy targets and reduce renewable energy projects in this country. Let us get on and build more of them.

ETHAN AUTOMOTIVE

The Hon. D.G.E. HOOD (14:52): My question is directed to the Minister for Manufacturing, Innovation and Trade, who also acts as the Minister for Automotive Transformation. Will the minister update the chamber on the progress of Ethan Automotive out in the northern suburbs? Are they scheduled to release their new vehicles on three different platforms, as I understand, in 2018? What will be the effect of employment numbers in the northern area? And any other associated issues that he may feel are relevant.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:53): I thank the honourable member for his very important question. This government remains open to anyone who has a proposal that might provide economic activity, but more particularly jobs in the northern Adelaide region. A number of discussions have occurred between government and the proposal for Ethan Automotive. Those discussions continue to occur and, if there is something that is a viable business case, the government will be interested in progressing it further.

ETHAN AUTOMOTIVE

The Hon. D.G.E. HOOD (14:53): Supplementary: can the minister confirm that they are on track to commence production in 2018?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:53): I am not aware that Ethan are going to produce cars by 2018.

The Hon. R.L. Brokenshire: Just before the election.

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

WOMEN'S UNEMPLOYMENT

The Hon. J.S. LEE (14:54): I seek leave to make a brief explanation before asking the minister for employment and the status of women a question about women's unemployment.

Leave granted.

The Hon. J.S. LEE: South Australia's unemployment rate has hit a 14-year high, rising to 7.6 per cent in May 2015. The increase was driven by a rise in women's unemployment, which skipped up to 7.5 per cent from 6.9 per cent in April and is now at its highest rate since May 2000.

The Australian Council for Social Service indicated in a report that women (including young women and female children) face a significantly higher risk of poverty than men due to women's lower employment opportunities and wages. It also reported that a decline in the workforce participation rate can have a long-term damaging effect. It shows that people have, in effect, found 'the fight to get a job' so hard they have given up and are no longer actively looking for work.

The business sector as a whole provides good employment opportunities for women. However, a multitude of arrangements between South Australian businesses and private providers for traineeships will effectively cease under the government's new WorkReady policy. The industry estimates the flow-on effect to associated business activities could result in approximately 10,000 job losses. My questions to the minister are:

1. What specific strategies will the minister introduce to address employment problems faced by women, particularly those who have given up looking for jobs?

2. Will the government reintroduce exemptions on payroll tax for apprentices and trainees to improve opportunities for young women looking for jobs?

3. Will the government respond to industry calling for the government to hold the decision on WorkReady so that a proper consultation and redesigning of the scheme can actually create jobs and not end up with further job losses?

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 her most important questions. Employment is a major priority for this government and our jobs plan is to ensure that we diversify our economy to transition out of the more traditional manufacturing automotive sector into more advanced manufacturing sectors to look at stimulating and driving investment, supporting business and growing jobs, and women's participation in the paid workforce is a very important part of that.

Increasingly, participation of women in employment and also in leadership roles, and ensuring their safety continues to be a very important priority for the Weatherill government. We are also committed to ensuring that women can access information through the Women's Information Service and that we continue to receive specialist advice about women's issues through the Premier's Council for Women.

In terms of women in science and technology engineering, the Department for Education and Child Development, the Department of State Development and the Office for Women have developed a promotional campaign to encourage women to access training in high-demand non-traditional industries such as mining, defence and construction. Building on previous support for pre-employment and leadership development programs, this strategy now also includes the development of an online resource on the Office for Women's website dedicated to increasing participation in science, technology, engineering and maths.

The transition from study to employment is one of the key points where we find that women drop out of STEM, and that is why we have developed assistance to help women stay engaged. In relation to workplace flexibility, that is another area we've done a great deal of work in. The Labor

government, in terms of the Public Service, will make public sector chief executives personally responsible for ensuring that flexible work options are available to staff who need them.

Chief executives will also have a new imperative to increase the number of women in executive positions within the public sector. We are also looking at the ongoing recognition of women's contribution to society, and their representation at all levels of social and professional life, including the promotion of women in non-traditional areas of employment.

Our Premier's Council for Women has developed a number of initiatives to assist the private sector to think about the way they employ women, and to ensure that they have better representation of women in their organisations, particularly in senior and executive positions. That tool has been very much embraced by the private sector in particular and used by a number of organisations.

In terms of WorkReady, I have already put on the record in this place the principles behind WorkReady. It is a training policy that is strongly focused on achieving real jobs at the end of training, and not just training for training's sake and creating a lot of churn at the certificate II level. This is about ensuring that we improve the employment outcomes in terms of our invested training dollar, which is obviously public money.

We are seeking to improve our completion rates. We are requiring that training providers do better assessments of individuals who want to engage in training activities to better identify and make sure we are putting the right person in the right place, and if they need additional pre-employment or foundation skills prior to enrolling in a particular course they can access that, thus we reduce the number of people enrolled in courses for which they are ill-equipped and which they are not prepared to undertake.

We have put in a number of measures to ensure far better employment outcomes and better completion rates. As I have indicated, our training activity will be slightly more in 2015-16 than it is this year, so we continue to undertake significant levels of subsidised training activity.

As I have outlined, we have a plan over the next four years to increase the contestability and openness in our marketplace, with the ultimate goal that by 2018-19 TAFE SA will be required to compete with private providers in terms of its commercial activity on a dollar-for-dollar basis. Over those four years we will see a much stronger and competitive marketplace, and we hope that that will continue to drive efficiencies in our system.

WOMEN'S UNEMPLOYMENT

The Hon. T.A. FRANKS (15:02): By way of supplementary question arising from the minister's answer, indicating that the government would wish to see better completion rates: what would be the minimum completion rate or rate range that the government would see as facilitating these stated goals?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:02): I thank the honourable member for her question. We have not set a particular target but we will require that, when training providers tender or apply for subsidised training, they will be required to show what their employability outcomes have been and what their completion rates are. We will be using that to drive providers to continue to improve those outcomes. Obviously those training providers who are doing particularly well in that place will be in a much stronger position to receive subsidised funding.

CO-HAB TONSLEY

The Hon. T.T. NGO (15:03): My question is to the Minister for Manufacturing and Innovation. Can the minister tell the chamber of the success of the Co-HAB facility at Tonsley?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:04): I thank the honourable member for his question important question and interest in this area. The opening of the new co-working space by Innovyz at Tonsley is another indication of industry support and interest in this world-class facility. I note the Minister for Sustainability talked about having delegates visit at

Tonsley, and it is becoming an area that we show off to our international visitors, who are very impressed with what is going on there.

I recently had the opportunity to launch Co-HAB at Tonsley, a co-working space that enables companies to establish themselves amongst the world-class facilities at the site, quickly and conveniently, by renting office space with access to shared facilities, including meeting rooms, internet access and parking facilities. Co-HAB is managed by Innovyz, right alongside Innovyz's business acceleration activities at Tonsley.

We know innovation is a way to secure the future of many sectors of industry, especially trade-exposed areas like manufacturing. This space has and will provide support to promote innovative businesses, and that's a very positive step. Co-HAB makes it easier for start-ups to establish themselves and for existing businesses to establish a presence within an innovative precinct.

Tonsley is already setting a new standard in Australia and is recognised as an international leader in collaboration and innovation, and the addition of Co-HAB will increase the wealth of opportunities that exist in the precinct and further distinguish it as a world-class hub for innovation. Co-HAB will provide an easy access point for companies to share ideas, resources, risks and the great rewards that can arise from cutting-edge innovation. I understand a number of companies have already used the space and established themselves there; companies like Simulation Australasia, Phillips Ormonde Fitzpatrick, Combine IT, Speakers Studio, Jensen Planning, Icons Alliance and AU Launch Services, to name a few.

To ensure that South Australia is the place where people and businesses thrive, the government has set itself some ambitious priorities and targets to achieve this through the government's sixth economic priority: growth through innovation. We set ourselves a target of one year to attract four additional companies to Tonsley and through the help of Co-HAB we've achieved that. In fact, the investment in Tonsley has been going along well, and there are other companies that are looking to engage with the precinct.

Companies like Simulation Australasia, the nation's peak body for the simulation community, chose to relocate to the collaborative working space at Co-HAB, because they saw the benefit of being around other like-minded companies in this world-class innovation hub. Simulation Australia's work to advance research, development and the use of simulation technologies will further add to Tonsley's growing reputation as an innovation district.

The transformation taking place at Tonsley is in the early stages of this 20-year project. Other iconic businesses such as Hegs Pegs that I have talked about in this place before, with the company's co-founder, Scott Boocock, have already established an office at Tonsley to take advantage of the innovation environment and to position themselves for growth.

I encourage members—any members who are interested—to visit the Tonsley precinct, if they haven't already, to have a look at the innovation and the collaborative innovation that is happening with the private sector companies—companies like Co-HAB—and also the education sector, including Flinders University and TAFE, which are out at Tonsley.

RENEWABLE ENERGY

The Hon. M.C. PARNELL (15:07): I seek leave to make a brief explanation before asking a question of the Minister for Climate Change about renewable energy.

Leave granted.

The Hon. M.C. PARNELL: As members would be aware, the Conservation Council of South Australia this week launched its report into how South Australia could generate 100 per cent of its electricity from renewable sources by the year 2030. A copy of the executive summary of the report was provided to all members in their parliamentary mailboxes this morning, and the full report is available online.

Importantly, the Conservation Council report notes that 100 per cent renewable electricity can be achieved in South Australia without federal government subsidies, which is an important

consideration at present, given the Prime Minister's and federal Treasurer's hatred of renewable wind energy, which forms the backbone of our state's clean energy success.

In conjunction with the launch of this report, the Conservation Council has embarked on a campaign to convince the South Australian government to commit to a road map for 100 per cent renewables in South Australia. The Conservation Council notes that we already have a road map for unconventional gas, so they quite reasonably ask why we don't have a road map to achieve 100 per cent renewable electricity.

My question of the minister is: given that the government has already set a target to reach 50 per cent renewables by 2025, will it now go that extra step and create a road map for 100 per cent renewable electricity for South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09): I would like to thank the honourable member for his most ambitious question to me. I really appreciate his go-getter type of attitude, but in terms of ambitious targets of 100 per cent, let's just try to hit 50 per cent first. I would then be looking at trying to increase targets. As the honourable member will know, when we have set ambitious targets for this state we have achieved them. The ambitious target of 20 per cent was achieved in good time. The next ambitious target of 33 per cent was achieved ahead of time and so we have now set a target of 50 per cent. But I like the way he thinks; I do like the way he thinks, compared to some others at the federal government level.

Just by way of background, we need to bear in mind some overriding economic issues that will come to play in what is essentially a national market in terms of electricity generation and its costs. The Australian Energy Market Commission has forecast that market offer retail electricity prices are expected to decrease on average by 2.4 per cent per year to 2016-17. Contributing to this reduction is a reduction in competitive market costs, driven by a substantial decrease in wholesale energy purchase costs due to a growing oversupply of generation capacity.

The oversupply is a result of falling energy consumption, I am advised, and growth in wind generation under the renewable energy target (RET). Low wholesale energy prices are also offsetting the cost of the RET for South Australian consumers in the short term. In 2014, the federal government consulted with ACIL Allen on the effect of removing the large-scale RET and found that, in the long term, retail energy prices for residential, commercial and industrial customers would be, on average, 3.1 per cent higher if the large-scale RET was removed.

All users of electricity on the grid in Australia pay a small amount towards the large-scale renewable energy target, whether or not there is investment in renewable energy in the state. In South Australia, this is approximately 2 per cent of an average household electricity bill, I am advised. Therefore, South Australia has been a beneficiary of the RET in attracting a disproportionate number of wind farms, with associated investment and jobs involved, but it is also because we went out of our way to try to attract that sort of investment to our state.

We have changed our regulatory approach in terms of wind energy and solar energy companies in particular, but also honourable members will remember we passed the pastoral land act amendment bill in this place last year, which made the processes of setting up renewable energy generators in pastoral lands much easier.

So, we are working towards our target of 50 per cent that the honourable member mentioned. I will have a look at that report which was prepared on behalf of the Conservation Council when it lands on my desk and seek some departmental advice about that. I am sure the minister for energy in the other place will do the same.

Can I just say this: we are not shy of ambitious targets in this state. The state Labor government believes that if we are to lead in the area of renewable energy, which we have been doing in this country, we need to be ambitious. We believe that if we as a state and as a nation, hopefully, are to play our role in the world in terms of transitioning to a low carbon future, then we will all have to step up and move our targets progressively higher and higher until we do get to the stage where we can say that we will be 100 per cent renewable.

SPENCER GULF

The Hon. A.L. McLACHLAN (15:12): My question is directed to the Minister for Manufacturing and Innovation. Can the minister advise the chamber of the make-up of the Spencer Gulf and outback community engagement team?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:13): I thank the honourable member for his important question and his very strong interest in manufacturing areas. Alinta Energy announced last Thursday, as many honourable members will know, its intention to close its operations at Leigh Creek. Alinta announced that it intends to close the coalmine and both the power stations—Playford B and Northern power station—in Port Augusta by March 2018, if not earlier.

Alinta, over the coming weeks, will look at its plans and its needs and decide on a closure plan, and inform its workers and the government. As a government, our foremost thoughts are with the workers, their families and the communities affected. Leigh Creek has a very proud history of being the engine of manufacturing in South Australia through the coalmine over many decades, and I was fortunate to visit Leigh Creek and the coalmine earlier this week and speak to many of the workers, some who have worked decades and some who have been in the Leigh Creek area and with the coalmine for a couple of generations.

When Alinta made its announcement on Thursday morning last week, the government that afternoon moved to establish an Upper Spencer Gulf and outback community engagement team. The next day being Friday, we had government officials on the ground in both Port Augusta and Leigh Creek talking to the community.

A number of government officials have set up an office in a shopfront in the Leigh Creek township. They are spending this week and the coming days and weeks talking to a whole lot of the progress associations, the Outback Communities Authority and interested businesses and groups about the establishment of that engagement team.

There are a number of government officials on the engagement team at the moment, but that will include community representatives and business representatives from those areas over the coming days and weeks. When there are more people involved with the engagement team, I will be happy to bring back an answer as to who else is on that engagement team as we progress over time.

APY LANDS, CONSUMER RIGHTS DVD

The Hon. G.A. KANDELAARS (15:15): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about the APY lands consumer rights DVD.

Leave granted.

The Hon. G.A. KANDELAARS: Protecting consumer rights is always an important issue, and I know that the Hon. Jing Lee has also shown a keen interest in the Aboriginal consumer rights campaign in the past. My question is: can the minister provide an update on this campaign?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:16): I thank the member for his most important question and also the Hon. Jing Lee for her interest in this particular area. She asked a question around this not so very long ago.

I'm very pleased to be able to report that there has been an overwhelming amount of interest in the consumer rights DVD titled *Deadly Dollars—Something for Nothing*. This is largely due to the approach taken by Consumer and Business Services and the production company, Ngarrama Productions, to garner support from the local community right from the very start of the project. I think a key to the success of this was the local Aboriginal communities' strong input and engagement right from the very start.

The local community leaders and members had significant input to developing the script to ensure that the DVD would be of relevance to the APY lands audience. The video was filmed in

Pitjantjatjara, featuring local actors. Much of the filming took place outdoors in the Mimili community, and what you can't see on the video is the crowd of community members gathered behind the camera looking on with great interest. Of course, they were all very eager to see the finished product.

CBS is extremely grateful for the enthusiastic support from groups such as the local internet centre, the financial counselling organisation, MoneyMob, the Pitjantjatjara women's centre and the APY TAFE. With their support on the ground in the APY lands, the video has been shown to students and viewed at the internet centre, the Mimili wellbeing centre, in store at each of the community stores and, I understand, at community group meetings as well.

It is difficult to actually quantify exactly how many individuals or families this particular video message may have reached, but it is estimated that at least 50 per cent of the APY population would have at least seen the video, and I am advised that this would be a very conservative estimate. We know that the video has been viewed more than 560 times on the CBS YouTube channel and that is just in the last nine months.

Whilst there was obviously an initial spike in the number of views when the video was first launched back in August 2014, I have been advised that there have been 230 views so far in 2015, so you can see that there is still a high level of interest in this particular video past that first flush of enthusiasm.

The video resource is not just a once-off resource, but was launched and watched by many. Feedback from the local community indicates that this continues to be a valuable resource that is used by teachers, financial counsellors and also community groups. In addition to the online views, hard copies of the DVD were distributed to educational providers across the various communities, local stores and also various organisations that I mentioned earlier. With around 2,800 people living on the lands (according to the 2011 ABS census), CBS believes that well over 1,500 people would have viewed the video to date.

A survey by MoneyMob in November 2014 indicates that 51 per cent of people on the lands worry about paying money that they owe, a decrease of 63 per cent from the previous year. So, obviously, we cannot directly apply a cause and effect where there are, no doubt, many features or many things operating to influence that change in behaviour, but I think we can safely say that the video would at least be contributing to helping change behaviour in a more positive direction.

I am also advised that 44 per cent of people said that they were worried about buying expensive items and not really understanding the total price, compared with 55 per cent the previous year. As I said, we're not trying to draw a direct cause and effect correlation, but I think we can extrapolate and say that it is likely that the video is playing a positive role in helping to change people's behaviour so that they better understand their rights and responsibilities around money and to help provide them with the skills to better manage money and the family finances.

One of the strong messages of the DVD is to understand what the deal is —obviously, when there are contracts signed—and what the repayments are going to be before a person commits to actually buy that item. The DVD complements the excellent work being done by other organisations on the lands to help bring these statistics down further. So, together, I think we are definitely making a difference and we continue to look at other ways that we might be able to help individuals better manage money and for communities to grow and be more prosperous.

Bills

SUPPLY BILL 2015

Second Reading

Adjourned debate on second reading.

(Continued from 16 June 2015.)

The Hon. T.T. NGO (15:24): I rise to support the Supply Bill 2015. This bill is to allow the continued provision of public services in South Australia by allowing appropriation to pay for the cost of continued services run by the government until the budget that was handed down today by the Treasurer passes both houses. I would like to take this opportunity to discuss certain initiatives that

the government has progressed since I last spoke on them in my response to the address delivered by our Governor, His Excellency the Hon. Hieu Van Le, when he opened the current session of parliament. The first of these relates to our planning system.

As honourable members would be aware, minister Rau commissioned an independent panel to review the state's planning system. The expert panel was tasked with providing recommendations to improve our planning system. The government has now indicated its intention to progress the great majority of the 22 reforms proposed by the expert panel, and my understanding is that legislation will be presented to the parliament in the very near future.

One of the key reasons we need to get planning reforms right is so that we are able to unlock the economic potential of our great state through the efficient and effective use of land. This is a very important consideration, because not only do we need to increase the value of our exports we also need to create wealth domestically, and these planning reforms aim to assist in this. In the long run, this will help to improve the state's gross domestic product. Only by growing our state's economy will we be able to continue to pass an appropriate level of supply to allow public servants to deliver the essential services our community needs, which I mentioned earlier.

The government has given in principle support for a state planning commission to be established, which will replace the Development Assessment Commission. It will be responsible to the Minister for Planning and subject to his or her direction. It will drive delivery of the state's priorities and have a role in coordinating infrastructure as well. The commission will respond to regional authorities which will be established to provide advice on developments. Councils, meanwhile, will make planning proposals to these regional bodies. Further discussion on this initiative will be required, as councils will continue to administer projects once approved.

The expert panel also proposed a charter of citizen participation. The government has outlined that it supports such a charter in principle. This charter is intended to build early consensus about planning policies and directions between the public, developers and other interested parties. Presently, engagement occurs at the downstream end of the process, and this can result in conflict, frustration and delays—all at avoidable cost. I have seen this first-hand in my many dealings with constituents when I was a counsellor at the Port Adelaide Enfield council.

This charter will promote an overarching engagement with big-picture thinking rather than individual consultation on individual projects. The charter will also promote and engage local communities to become more involved in planning policies and decisions, and this is a welcome move. The current system allows only local residents directly affected by planning decisions at the approval stage to provide input, even though residents wish to be consulted and included at the very start of any planning process.

It is also important to note that the government supports the greater engagement of parliament in the development of planning policies. The Environment, Resources and Development Committee, of which I am a member, presently deals with planning amendments after gazettal. To me, it makes more sense to involve members of parliament at a much earlier stage of the process, to advise and make recommendations to the minister. This would allow parliament to provide input to the minister prior to him or her making the final decision for gazettal.

The government supports, in part, proposals intending to make changes to plans easier, quicker and more transparent. Regionally focused, statewide planning rules will result in a more consistent treatment for changes. The government concurs with the expert panel that, among other reforms, private landowners, government agencies and infrastructure providers should be able to initiate a zoning of land. On this matter, however, the government is of the view that the ultimate decision for any change to development plans, including zoning changes, should reside with the minister.

Members would have been interested to note the proposal to clarify the approval pathways for projects of state significance. The government is aware of the importance of this reform and is seeking to undertake further investigation. It agrees that the state should retain a power to call in major projects, with advice where required.

The government has set up the Office of the Coordinator-General to drive investment, cut red tape and create jobs. The office has responsibility to assist project proposals with an investment

value over $3 million of economic significance. The office supports the proposed projects by working with the Development Assessment Commission, as the planning authority, to assist in navigating the planning and development system.

Since the introduction of the Office of the Coordinator-General in July 2014, over 100 proposals from 40 companies or individuals have been referred to the state Coordinator-General for consideration and assistance. It estimated that these projects are worth over $1 billion and have created hundreds of jobs. It also estimated that every million dollars invested in construction in South Australia generates $2.9 million and 37 jobs in the economy as a whole.

This week, Mr George Chin, the president of Chinatown, invited me to dinner with several investors from Malaysia who were very keen to invest in this state. I believe that one of the investors just bought the Myer Centre. I was able to tell those investors that the planning reforms that the government is proposing is a way to cut down on red tape and give investors the confidence that this government is serious about generating economic activity.

As a member of parliament, I am keen to use my position and my ethnicity to promote our state to our Asian investors. I am told that those investors who attended the dinner are very keen to talk to the government about a number of the proposed projects that have been in the media lately. I am very confident that something will eventuate very soon. I would like to thank the president of Chinatown, Mr George Chin. I know he works pretty hard in promoting Chinatown but behind the scenes he is also passionate about South Australia in promoting investment, and so I sincerely thank him for his work behind the scenes.

Opponents of the Office of Coordinator General argue that this reform bypasses local communities by going over the top of council. My response to this is that for several years now, local councillors on the Development Assessment Panel (DAP) have been prohibited from speaking to their residents about development proposals. Under the current system, councillors on the DAP are not able to reflect community views and wishes when assessing development applications. Councillors must assess a development proposal on merit when considering the council's own development plan; therefore, it is a myth to say that the local voice has been taken away due to this reform.

If the state wants to encourage development and give investors the confidence to invest in this state, then why would you allow 68 or so councils in South Australia to individually interpret planning law from their own planning departments? This clearly results in excessive compliance costs that arise from unnecessarily varied and inconsistent zoning rules. These reforms will mean that the same type of developments is assessed against a much more consistent set of rules regardless of the location of the proposed development.

The government also supports in principle the integration of open space in the planning system and we will undertake further investigation into this. Presently I understand that developers involved in large subdivisions of land into multiple allotments must set aside at least 12.5 per cent of the land for use by the general community. For smaller subdivisions this is impractical and a payment of an open space fee may be required instead, the amount being calculated on the number of additional allotments created and the current rate set by regulation. To ensure funds are spent in areas where highest need exists, a review of the use of open space levy funds has been proposed by the expert panel. I believe that this has the in-principle support of the government.

I cannot leave this topic without referring to the government support for an online planning system. Presently the enormous number of types of proposals and amendments can clog the system, delaying matters for all concerned. A fully digital approach to planning would result in savings for agencies, councils, applicants, ratepayers and taxpayers. Increasing the value and volume of our exports is also key to our future prosperity and ensuring that we can continue to provide adequate levels of resources to the Public Service.

I have already spoken about my support for the establishment of a nuclear industry here in South Australia. It has been interesting to follow the proceedings of the royal commission established by the government being conducted by Rear Admiral the Hon. Kevin Scarce. Closing dates for submissions are still a little while away, not until late July or early August, which gives ample time for all interested parties and stakeholders to have their evidence considered.

Mr Scarce and his royal commission have already visited a number of regional areas for public meetings such as Mount Gambier, Port Augusta, Port Pirie, Berri, Yalata, Oak Valley, Umuwa, Coober Pedy and Leigh Creek.

I am aware that there has been some commentary criticising the formal manner in which submissions must be presented to the commission, particularly with regard to the requirements for verification of identity through the authority of a justice of the peace. I am acutely aware of the need not to disfranchise groups of Aboriginal elders or other South Australians who want to contribute to this debate. I am confident, however, that Mr Scarce also realises these issues and is not in the business of dissuading anyone from making a valued contribution to the commission.

My understanding is that Mr Scarce will actively consider all submissions in order to make recommendations. Any calls suggesting that there are predetermined outcomes attached to this royal commission only devalue the work that Mr Scarce is undertaking. At the conclusion of its investigation the royal commission will produce a report, which will make findings and recommendations based on the evidence it obtains. The report and its recommendations are required to be provided to the Governor of South Australia no later than 6 May 2016.

In planning and nuclear energy I have focused on areas that need reform to improve the economic well-being of our state and create jobs. Only through the security of our economic well-being can we focus on improving areas of spending in our economy, which improve the social good. Health is one of them, and it is important that this government continue to progress its health reforms, as set out in the Delivering Transforming Health Proposals paper.

Changing population, demographic and health trends, along with burgeoning advances in medical technology, are changing the ways in which our health services operate, both currently and into future. It is the government's responsibility to ensure that our communities are best served with best practice, consistent, sustainable care. Over the last 12 years the government should be proud of its achievements in upgrading existing infrastructure and its investment in the new hospital and research facility.

Transforming Health now looks towards delivering services in those new and enhanced facilities. Over a nine-month period the government consulted with medical, nursing and midwifery practitioners, allied and scientific health professionals and community and consumer representatives to evolve a transformative strategy whereby:

1. The new Royal Adelaide Hospital will be the pre-eminent multi-trauma facility for the state. Furthermore, it will provide specialist spinal and brain injury rehabilitation, advanced stroke, heart disease and lung disease care, and more complex elective surgery.

2. The new RAH, Flinders Medical Centre and the Lyell McEwin Hospital will be major emergency super sites.

3. Modbury Hospital will continue to serve its approximate community. The retention of key services and over $30 million of investment into Modbury Hospital is a stark contrast to what members opposite did when they were in government, which was to privatise Modbury Hospital.

4. The Queen Elizabeth Hospital will continue to serve its appropriate community and will benefit from a $20 million investment to upgrade facilities, including a new hydrotherapy pool, an additional level to the applied health and rehabilitation building and expended allied health and rehabilitation services, as well as refitting existing ward spaces to add on-ward gymnasiums for quicker rehabilitation.

We must remember that this $20 million of investment is on top of the $136 million invested to complete a two-stage development of the Queen Elizabeth Hospital. Noarlunga Hospital will be upgraded to provide a walk-in emergency clinic enabling it to provide urgent treatment and care more efficiently.

Construction on the Noarlunga ambulance station is due to be completed in mid-2016. Meanwhile, the design work for the new ambulance station at Northfield is well advanced. Planning and design work for the new neonatal unit at Flinders Medical Centre is well underway, and major improvements to the Lyell McEwin Hospital are on track for completion on schedule. Furthermore, the establishment of nine dialysis chairs at Gawler is on target for completion at the end of 2015. The

community can be assured that Transforming Health will futureproof our health system by virtue of a $252 million investment.

I cannot conclude these remarks without reference to the Repatriation General Hospital, known to all of us as the Repat. The government knows the Repat holds a special place for many veterans, their families, its staff and, indeed, all South Australians.

The Hon. T.J. Stephens: What are you closing it for then?

The Hon. T.T. NGO: I will tell you. This is why the Weatherill government—

The Hon. T.J. Stephens: No, you can't blame the feds.

The Hon. T.T. NGO: No, no. This is why the Weatherill government is committed to ensuring that only the highest level of quality care and services are available to our veterans—not only for current veterans, but veterans who will need support in the near future.

The government cannot continue to provide the highest level of care and services to our veterans in the current facilities. These facilities were built in 1942 for soldiers returning from war. Our veterans deserve the very best treatment and care when they need it; that's why the government is investing in a new $15 million centre for excellence for post-traumatic stress disorder.

The Repat's Ward 17 provides an excellent service and has served us well since 1942, but the reality is the buildings were built and designed for the last century and cannot provide the spaces, equipment and layout that is needed for modern medical treatments. This is why, as part of the government's Transforming Health initiative, services from the Repat will be integrated into other hospitals, with orthotics, Prosthetics SA, the chapel, museum and remembrance garden remaining at the current Repat site.

The government has established a veterans consultative process to make absolutely certain that the new centre meets the special needs of veterans suffering with post-traumatic stress disorder, or PTSD. Leading this panel, which has already met on several occasions, are Transforming Health ambassador, Professor Dorothy O'Keefe, and Associate Professor Susan Neuhaus, Chair of the Repat Foundation.

In endeavouring to reassess service provisions in this area, the government has sought the advice of clinicians and related health professionals. It is clear that rehabilitation is most successful when it starts as patients become ready to take that next step, even when they are still recovering. Accordingly, the government is integrating the rehab services currently provided at the Repat into the new rehabilitation building at Flinders Medical Centre. This purpose-built facility will comprise 55 new rehab beds along with a new gymnasium and a hydrotherapy pool. The current Repat site will remain in the hands of South Australians, as is proper.

The minister for health has made it abundantly clear that the land will not be sold for major residential or commercial development. The government is meeting its election commitments and will continue with getting on with the job of governing this great state. I commend the Supply Bill to the house.

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) (15:50): I understand that all second reading contributions on the Supply Bill have been made and I would now like to take this opportunity to make a few concluding remarks. Firstly, I would like to thank all honourable members for their second reading contributions and just state that this bill provides for government service delivery until the budget has been passed by the parliament and the Appropriation Bill 2015 receives assent.

In the absence of special arrangements in the form of the Supply Act, there would be no parliamentary authority for expenditure between the start of the new financial year and the date on which the assent is given for the main Appropriation Bill.

In closing the debate, I just want to emphasise the necessity of consistent policy approving financial management in times of considerable economic uncertainty. There should be no doubt in the minds of members that South Australia is facing a number of daunting challenges, all with the

potential to have grave employment consequences: the closure of Holden's, the withdrawal of $500 million in federal support for our car industry, the collapse in commodity prices for our mining exports, the continuing uncertainty caused by the federal government's policy on submarine and shipbuilding, and the $5.5 billion worth of federal government cuts to health and education.

These challenges will make a substantial impact on our economy and will continue to play out over the coming months and years ahead. Our government's response is to see this context as a glass half full rather than a glass half empty. We have a strong and diverse economy across many sectors, including agriculture, food and wine, mining, defence, medical research, health care, education and tourism, to name a few. The diverse mix provides an excellent foundation upon which we can build a new economy. This task requires South Australia to develop an outward looking international approach for our products and services, in particular engaging with China and the emerging Asian economies to our north.

Having devoted a great deal of energy in recent times to reinforcing and building South Australia's excellent profile as a quality education provider in the Asian region, I have seen the potential benefits that can come to us if we get behind the government's 10 economic development priorities.

The solutions to the issues facing South Australia are complex and will require hard work and wise investment decisions, tempered with a streak of innovative brilliance, but success is possible, because by being both realistic and optimistic, we have within ourselves the capacity to create a truly brilliant future for South Australia. I thank honourable members who have contributed and look forward to the Supply Bill being dealt with expeditiously through the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee 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) (15:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 13 May 2015.)

The Hon. A.L. McLACHLAN (15:55): I rise to speak on the Criminal Law (Forensic Procedures) (Blood Testing of Diseases) Amendment Bill 2015. This bill fulfils a 2014 state election promise made by the government when it committed to introducing legislation to require an offender who bites or spits at a police officer to undertake a blood test for infectious disease. I point out to the chamber that a similar bill was introduced in 2014; however, that bill lapsed due to the proroguing of parliament.

The previous bill was significantly less comprehensive than the one before us, in that it was only intended to apply to, and protect, police officers. The government reports that approximately 700 police officers are assaulted in the line of duty each year and up to half of them are bitten or spat upon. When considering that bill, the Liberal Party and the crossbench pushed for the application of the bill to be expanded to protect healthcare and other emergency services workers as well as police officers.

To this end, the opposition and the Hon. John Darley filed amendments to the previous bill. We believe that, regardless of their status, all emergency services personnel deserve protection, not

just a select group that has the ear of the government. As I pointed out when I spoke on the previous bill, a volunteer cannot decide to no longer volunteer when they are providing a service to a member of the community during which they are assaulted.

The bill that comes before this chamber and the improvements that have been incorporated into it justify our strong stance on this issue. We are further justified in our stance because, last month, it was widely reported that attacks on ambulance officers in South Australia have jumped more than 70 per cent over the past three years.

The reports revealed that there have been 125 incidents in relation to paramedics in this financial year alone, which has prompted a new advertising campaign aimed at reducing aggressive behaviour towards healthcare workers. The violence not only confronts workers in the state's emergency departments but also has an adverse impact on the safety of other patients.

It is difficult to comprehend why the government failed to accommodate paramedics and other emergency service workers in their previous bill. Nevertheless, despite this failing, they have had a 'road to Damascus' moment, and we are pleased that the government has accommodated the opposition's amendments and expanded the bill's application.

The bill amends the Criminal Law (Forensic Procedures) Act 2007 to require an offender who bites or spits at a police officer or other emergency worker to undertake a blood test in order to test for infectious diseases. Currently, South Australia Police offers blood testing to any officer who has had contact with an offender's bodily fluid. However, currently, there is no obligation for the offender to be tested, and this is what the bill seeks to amend. Blood testing of offenders will help identify any risk immediately, as it may take weeks for infection to show up as positive in an assaulted police officer or emergency services worker.

The threshold for whether an offender is tested is whether there is a reasonable suspicion that a police officer or other category of emergency worker has been assaulted or the offender has committed other specified offences of violence. Specified offences of violence include assault, causing harm, causing serious harm, an act likely to cause harm, endangering life, riot, affray and violent disorder.

I am extremely pleased that this bill lists amongst the prescribed emergency services providers St John Ambulance Australia, Country Fire Service, Metropolitan Fire Service and Surf Life Saving South Australia, to name a few. As I have indicated, it is critically important that we protect all those who continue to work tirelessly to protect us and make our community safe. All South Australians who make a contribution to the safety and welfare of their fellow citizens deserve to be protected.

In hindsight, the opposition's amendments that were filed with respect to the 2014 bill showed great foresight and a greater appreciation of the dangers that the people in our emergency services face on a day-to-day basis. I am pleased to see that the government has finally acknowledged the need for the protections provided in the bill to be more comprehensive. I commend the bill to the chamber.

The Hon. J.A. DARLEY (16:00): I rise briefly to indicate my support, once again, for the Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Bill. As members would recall, this bill, which was first adopted by the government last year, is consistent with one introduced in this place by my colleague, Senator Nick Xenophon, back in 2007. In short, that bill provided that, where a person believes that as a result of the commission of an indictable offence he or she may have come into contact with bodily fluid from an offender, the person could request that a person arrested on suspicion of the offence be subject to a medical examination.

The rationale behind the bill was that requiring an offender to undergo a medical examination would go some way towards overcoming the anguish and uncertainty that an affected person would otherwise encounter as a result of having to wait some three to six months for blood tests and results. Although the bill before us is confined only to police officers and emergency workers, I think it is a good starting point. On that note, I am very pleased that the government has seen fit to broaden its scope to cover emergency workers, as opposed to restricting it to only police officers, as originally

proposed. I hope that serious consideration will also be given to broadening the scope even further to cover licensed security guards, a measure that I proposed the last time we debated this bill.

It is not acceptable that any person should be the subject of physical or verbal abuse. It is certainly not acceptable that nurses, doctors, ambulance officers and security guards are subjected to punching, spitting and biting in the course of carrying out their duties. This bill will certainly go some way towards addressing the angst that that sort of behaviour results in, at least for police officers and emergency workers. For the record once again, it is my firm position that the government also consider offering the same benefit to licensed security agents. With that, I support the second reading of the bill.

The Hon. D.G.E. HOOD (16:02): It seems we are all in agreement on this one. I rise to indicate Family First's strong support of this bill. We unfortunately hear stories all too frequently of emergency services workers being assaulted, verbally or physically, in the course of their duties. These employees provide an invaluable service to the community and they deserve every reasonable protection that we can afford them. Assaulting an emergency services worker in the course of their duties is unacceptable, or indeed any worker, and Family First sees this bill as a practical way in which to provide both emergency workers and their families some peace of mind regarding the potential for transference of disease through biological substances.

Currently, SAPOL, and I would assume other emergency service providers as well, has provisions for the testing of their staff who come into contact with bodily fluids but, as has been noted, there is nothing to compel the testing of an offender to determine the risk of exposure to the emergency services worker; that is, they are not currently compelled. There has been some debate regarding the potential of transferring certain diseases orally and of the potential breach of civil rights that this bill may well effect. We have considered these issues and a loss of civil rights is not something that can be easily supported but there are, of course, instances where, on balance, there is a compelling reason to do so. This is one of those instances.

Obtaining a biological sample from someone for the purposes of testing without consent is obviously an invasive process and it may cause the person to become distressed in some circumstances. Conversely, this bill aims to protect emergency services workers in a circumstance where, during the course of their employ, they have potentially come into contact with a communicable disease. There is an inherent risk involved in the work these men and women choose. They are exposed to various forms of violence in the course of their employ, which is disgraceful, and they are exposed to infectious diseases as a matter of course, unfortunately, and also to some other forms of potentially hazardous situations.

Whilst incubation periods for certain diseases can be prolonged, there is, in a sense, an expediency in this process in that it can determine, in some instances, if an offender does have a communicable disease, which would then inform the injured person of possible treatment options and long-term consequences. Time is of the essence. It may also lead to a reduced level of anxiety for the emergency services worker, their friends and family if they are able to get an answer to these questions quickly rather than waiting.

There would of course be instances where the offender was within the incubation period themselves and testing may come back negative despite them going on to develop the disease. This situation would have to be managed effectively for the emergency service worker to ensure that false hope is not given in relation to a clear screening of the offender who has assaulted them. Ineffectively managing this could place the emergency service worker at greater risk.

The current bill continues to require offenders who are suspected of committing a prescribed serious offence to be tested for infectious disease where an emergency service worker has come into contact or been exposed to bodily fluid as a result of the suspected offence, whether the person is in lawful custody or not.

We are advised that the previous version of this bill presented to the parliament in 2014 was on the request of SAPOL. That initial bill was drafted for the benefit of police officers. Whilst that was of course a noble objective and Family First supported it, we welcome the extended definitions of emergency workers who will fall under the provisions in this bill, namely the CFS, the MFS, the SAS,

the SAAS, Surf Life Saving, volunteer marine rescue and accident and emergency workers in a hospital.

These inclusions, of course, were put forward as amendments by the Liberal Party and the Hon. Mr Darley last year. We think these amendments are necessary. We supported them then and we support them now. They are necessary to protect those valuable workers who we rely on to provide emergency support and to keep us all as safe as possible. Family First strongly supports this bill.

The Hon. T.T. NGO (16:06): I rise today to support this bill. Last year, we debated a similar bill. The 2014 bill would have given a senior police officer the ability to order persons suspected of assaulting, causing serious harm or committing an act that endangered the life of a police officer, or other crimes that are later prescribed by regulations, to undergo mandatory blood testing.

Importantly, this bill expands this to enable a senior police officer to order persons suspected of committing these offences against medical practitioners in hospitals, nurses and midwives in hospitals, people providing assistance services to medical practitioners, nurses or midwives in hospital and those carrying out emergency work, either voluntary or paid.

Emergency work under this bill includes work carried out by the CFS, MFS, SES, South Australian Ambulance Service, St John Ambulance South Australia Incorporated, accredited volunteer marine associations and the emergency department of a hospital. This expansion incorporates an amendment the Hon. Andrew McLachlan put forward to the previous bill.

It is important to note that, in both the 2014 bill and the bill before us today, in order for a mandatory blood test to be undertaken, a senior police officer must authorise the test. The senior police officer is also required to record in writing the grounds on which they have ordered the test and provide this to the person to be tested. This provides a safeguard to prevent arbitrary blood testing.

Last year, in my contribution, I acknowledged how hard our police force work to protect the community. I also mentioned that they deserve any peace of mind we can give them when they may have been exposed to a transmittable disease. Medical practitioners, nurses and midwives in our hospitals, and those who work or volunteer in our emergency services, are equally deserving of the potential peace of mind this measure may bring. They also work extremely hard to ensure the health and safety of our community.

I would like to acknowledge the Hon. Andrew McLachlan for his persistence in getting the list expanded to include those occupations and volunteers. He is a tough negotiator but he is fair. I suppose you have to be tough to serve in Afghanistan for Australia.

The Hon. T.J. Stephens: Courageous.

The Hon. T.T. NGO: Courageous, as well.

The Hon. K.J. Maher: Soon to be Leader of the Opposition.

The Hon. T.T. NGO: And soon to be Leader of the Opposition, the Hon. Kyam Maher says.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The minister is out of order. The Hon. Mr Ngo will continue.

The Hon. T.T. NGO: In 2014 there were numerous media reports of police officers and other emergency service workers being spat on. Last August *The Advertiser* reported that 77 spitting incidents against SA Health staff—mainly nurses—and 111 against police officers were reported during 2013. It is astounding that anyone would wish to spit on another person, let alone our police and emergency services staff, who help to keep the community healthy and safe.

Although this behaviour is of great concern, commonly held misconceptions about the transmission of certain diseases—including HIV, hepatitis B and hepatitis C—are also of great concern. In my previous role as an advisor to the Minister for Health I had the opportunity to visit a number of NGOs, including Hepatitis SA, and to speak to health professionals in communicable diseases. From this I learnt much about the transmission of hepatitis B, hepatitis C and HIV. I have learnt there is virtually zero chance of HIV or hepatitis C being transmitted through saliva; however,

there is a common misconception in the community that there is a high risk of these diseases being spread this way.

Hepatitis C and HIV are primarily spread through blood to blood contact. I also learnt that the most common way HIV is transmitted is through unprotected sexual intercourse or through sharing infected needles. Hepatitis B can be contracted through saliva but, as the Hon. Mark Parnell and the Hon. Kelly Vincent pointed out in their second reading contributions on the previous bill, there is a vaccine for hepatitis B which our police force and emergency service workers generally receive. I am told that currently there are no treatments or vaccine to prevent hepatitis C.

It is also important to again acknowledge that such a test will not always be able to provide peace of mind, due to the window period before HIV and hepatitis C show up in a blood test. As such, it is still important for a person who has potentially been exposed to a blood-borne disease to undergo a risk assessment by a health professional. Depending on the outcome of the risk assessment, the health professional may determine that the officer should undergo prophylaxis treatment, which can prevent HIV and hepatitis B. It is also still important, especially following a significant exposure, that precautions are taken for three to six months to prevent the possible spread of disease, this being the time it generally takes a person to receive their blood test results.

On balance, I think we should implement this bill to alleviate, where possible, the anxiety of our police officers, medical practitioners and nurses in hospitals as well as those who work or volunteer in emergency services who may have been exposed to HIV, hepatitis B and hepatitis C by offenders. Even if it can provide only some small comfort to those who work so hard to protect and serve the community whilst they wait for blood test results, it is worthwhile. I commend this bill to the chamber.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:14): I understand that all second reading contributions have been made in relation to this bill, and I am grateful for the support expressed for the bill by honourable members, and the opposition's constructive approach. The bill extends to any member of an emergency service subjected to violence where there is a risk of the transmission of an infectious disease. These include: police officers; medical and nursing staff; firefighters, including the Country Fire Service; State Emergency Service volunteers; St John Ambulance staff; and lifesavers.

Figures highlight the alarming incidence of work place violence upon not just police officers but also health and paramedic staff, putting them at risk of contracting an infectious disease through occupational violence. Such violence is deplorable. This bill provides our emergency workers with support when they are subjected to deplorable occupational violence which has the potential to give rise to the risk of the transmission of an infectious disease.

The bill provides that an offender can be required to undertake a blood test upon the authorisation of a senior police officer. Further, the results of any test are inadmissible in legal proceedings. The bill also amends section 58 of the Criminal Law (Forensic Procedures) Act 2007 to make it clear that regulations will control how tests are to be carried out and to whom the results may be released.

Those regulations will be drafted in consultation with South Australia Police and SA Health. It is expected that these regulations will be complemented by internal procedures for affected agencies. It is also intended that senior police officers will have regard to expert guidance on the risks of transmission of infectious diseases in deciding if testing is appropriate. A protocol will be developed between SA Health and South Australia Police—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! If the Leader of the Opposition and the Minister for Manufacturing want to have a conversation, they should leave the chamber. The minister is on her feet and has the call.

The Hon. G.E. GAGO: —in close consultation with the Chief Public Health Officer to ensure that senior police officers are properly informed and testing under the bill is performed appropriately.

With those words, I commend the bill to the chamber and look forward to it being dealt with expeditiously through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. A.L. McLACHLAN: I just wish to record my thanks for the kind comments of the Government Whip, the Hon. Tung Ngo, in relation to this bill.

Clause passed.

Remaining clauses (2 to 11) and title passed.

Bill reported without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW (EXTENDED SUPERVISION ORDERS) BILL

Committee Stage

In committee.

Clause 1.

The Hon. T.J. STEPHENS: In the summary of this particular bill we have had an explanation of amendments that the government has tabled and I rise to indicate the opposition's support of these amendments. These amendments are the result of discussions between the opposition, the Parole Board and the government. I am glad that the government has listened to our concerns around the original legislation as there were several deficiencies present. There is no need for me to further explain the effect of these amendments.

I trust that honourable members of the crossbench have been given ample time to consider these amendments by the government, and I would encourage them to support these changes. I will not be proceeding with my amendments because of the negotiations we have had with the government. It highlights to me again the very valuable role that the Legislative Council plays as this bill went straight through the lower house even though we had concerns in the other place. Of course, we have had time together to work to improve the bill, so the opposition is now pleased to support it. I would like to thank the member for Morialta, who is ultimately responsible in the other place for this bill, for his good work and look forward to the passage of the bill.

The Hon. K.J. MAHER: I move:

Amendment No 1 [ManInnTrade–1]—

Page 2, line 4—Delete 'Extended Supervision Orders' and substitute:

High Risk Offenders

This amendment changes the name of the bill. It removes the reference to 'extended supervision orders' and replaces it with 'high risk offenders'. It reflects the government's amendments that follow that create a second type of order under the legislation—a continuing detention order. I will just place on record my thanks and appreciation for the work of the opposition as the Hon. Terry Stephens has pointed out in his contribution to clause 1. Sensible negotiation has taken place between the opposition, the government and the Parole Board to produce what we will hopefully put through today.

Amendment carried; clause as amended passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. K.J. MAHER: I move:

Amendment No 2 [ManInnTrade–1]—

Page 3, after line 9—Insert 'continuing detention order—see section 14D(2);'

This amendment inserts a reference to the new type of order created by these amendments being a continuing detention order. It provides a link to the definition contained within the bill proposed at the new section 14D(2).

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 3 [ManInnTrade–1]—

Page 3, lines 12 and 13 [clause 4, definition of extended supervision order]—Delete 'in respect of a high risk offender by the Supreme Court' and substitute 'by the Supreme Court for the supervision of a high risk offender'

This amendment changes the definition of 'extended supervision order' to reflect it under the bill, as per this group of amendments, that there are now two types of orders not just one, and that the extended supervision order is an order regarding supervision of a high-risk offender.

Amendment carried; clause as amended passed.

Clauses 5 to 14 passed.

New clauses 14A to 14E.

The Hon. K.J. MAHER: I move:

Amendment No 4 [ManInnTrade–1]—

New Part, page 9, after line 33—Insert:

Part 2A—Continuing detention orders

14A—Arrest and detention of person subject to supervision order on warrant

(1) If the presiding member or deputy presiding member of the Parole Board suspects on reasonable grounds that a person subject to a supervision order may have breached a condition of the order, the presiding member or deputy presiding member may—

(a) summon the person to attend before the Board; or

(b) for the purpose of bringing the person before the Board, issue a warrant for the arrest of the person.

(2) If a member of the Parole Board (other than the presiding member or deputy presiding member) suspects on reasonable grounds that a person subject to a supervision order may have breached a condition of the order—

(a) the member may summon the person to attend before the Board; or

(b) for the purpose of bringing the person before the Board, the member may apply to—

(i) the presiding member or deputy presiding member of the Board for the issue of a warrant for the arrest of the person; or

(ii) a magistrate for the issue of a warrant for the arrest of the person.

(3) If a police officer suspects on reasonable grounds that a person subject to a supervision order may have breached a condition of the order, the police officer may apply to—

(a) the presiding member or deputy presiding member of the Parole Board; or

(b) if, after making reasonable efforts to contact the presiding member and deputy presiding member, neither is available—a magistrate,

for the issue of a warrant for the arrest of the person.

(4) If a person fails to comply with a summons to attend before the Parole Board issued under this section—

(a) the Board may proceed to deal with the matter in the person's absence; or

(b) for the purpose of bringing the person before the Board, the presiding member or deputy presiding member may issue a warrant for the arrest of the person.

(5) A warrant issued under this section authorises the detention of the person in custody pending appearance before the Parole Board.

(6) A magistrate must, on application under this section, issue a warrant for the arrest of a person unless it is apparent, on the face of the application, that no reasonable grounds exist for the issue of the warrant.

(7) If a warrant is issued by a magistrate on an application by a police officer under this section—

(a) the police officer must, within 2 working days of the warrant being issued, provide the Parole Board with a written report on the matter; and

(b) the warrant will expire at the end of the period of 2 working days after the day on which the report is provided to the Board; and

(c) the presiding member or deputy presiding member of the Board must consider the report within 2 working days after receipt and—

(i) issue a fresh warrant for the continued detention of the person pending appearance before the Board; or

(ii) cancel the warrant, order that the person be released from custody and, if appearance before the Board is required, issue a summons for the person to appear before the Board.

(8) If a warrant expires under subsection (7)(b) or a fresh warrant is not issued under subsection (7)(c)(i), the person must be released from custody.

(9) The Parole Board may, if it thinks there is good reason to do so, by order, cancel a warrant issued under this section that has not been executed.

14B—Arrest and detention of person subject to supervision order without warrant

(1) A police officer may, on the authorisation of a senior police officer, without warrant, arrest a person subject to a supervision order if the police officer suspects on reasonable grounds that the person has breached a condition of the order.

(2) If a person is arrested under subsection (1)—

(a) the person must be taken to the nearest police station; and

(b) within 12 hours of the arrest—the presiding member or deputy presiding member of the Parole Board (or, if neither of those members is available, a magistrate) must be notified of the arrest; and

(c) as soon as is reasonably practicable after being so notified—the presiding member or deputy presiding member (or the magistrate) (as the case requires) must, by order, direct that the person—

(i) be detained in custody pending attendance before the Board; or

(ii) be released and summoned to attend before the Board; or

(iii) be released from custody.

(3) In this section—

senior police officer means a police officer of or above the rank of Inspector.

14C—Proceedings before Parole Board under this Part

(1) The following provisions apply in relation to proceedings relating to an alleged breach of a supervision order before the Parole Board under this Part:

(a) the person subject to the order and the Attorney-General must be afforded a reasonable opportunity to make submissions to the Board on the matter;

(b) if the Board is satisfied that the person has breached a condition of the order, the Board may vary or revoke a condition of the order imposed by the Board

under this Act or impose further conditions on the order and, if the person is in custody—

(i) direct that the person be released from custody; or

(ii) direct that the person be detained in custody pending attendance before the Supreme Court for determination as to whether a continuing detention order should be made in respect of the person.

(2) The Parole Board must, on imposing a condition or further condition on, or on varying or revoking a condition of, the order—

(a) provide the person the subject of the order with a copy of the order as varied by the Board; and

(b) take all reasonable steps to explain to the person the subject of the order the terms and conditions of the order and, in particular—

(i) the person's obligations under the order; and

(ii) the consequences that may follow from a failure to comply with the order; and

(c) forward a copy of the order as varied by the Board under this section to the Supreme Court and the Commissioner of Police.

(3) Subject to any order made by the Supreme Court, an order directing that a person be detained in custody under this section authorises the detention of the person in custody pending determination of the Supreme Court proceedings relating to the continuing detention order.

14D—Continuing detention orders

(1) If the Parole Board directs that a person subject to a supervision order be detained in custody pending attendance before the Supreme Court for determination as to whether a continuing detention order should be made in respect of the person, the matter is referred to the Court by force of this subsection.

(2) The Supreme Court may, if satisfied that the person—

(a) has breached a condition of the supervision order; and

(b) poses an appreciable risk to the safety of the community if not detained in custody,

order that the person be detained in custody (a *continuing detention order*) until the expiration of the supervision order, or for such lesser period as may be specified by the Court.

(3) The paramount consideration of the Supreme Court in determining whether to make a continuing detention order must be the safety of the community.

(4) The Supreme Court may, if the Court thinks fit, order that a person the subject of proceedings under this section be detained in custody pending the determination of the proceedings.

(5) The Attorney-General and the person the subject of proceedings under this section are parties to the proceedings, and the Parole Board has a right to appear and be heard in the proceedings.

(6) As soon as is reasonably practicable after making a continuing detention order or an order under subsection (4) in respect of a person subject to a supervision order, the Supreme Court must issue a warrant committing the person to a correctional institution for the period specified in the order.

(7) To avoid doubt—

(a) if a person is detained in custody under this section until the expiration of his or her supervision order, the supervision order expires on the person's release from custody (but nothing in this paragraph prevents the Supreme Court, on application by the Attorney-General, from making a second or subsequent supervision order against the person); and

(b) if a person is detained in custody under this section for a lesser period, the person continues to be subject to the supervision order on release from custody for the balance of the duration of the order (and the date of expiry of supervision

order under section 12 is not affected by the fact that the obligations of the person under the order were suspended during the period that the person was in custody).

14E—Variation and revocation of continuing detention order

(1) The Supreme Court may, on application made by the Attorney-General, the Parole Board or a person subject to a continuing detention order, vary or revoke the order.

(2) A person subject to a continuing detention order may only apply under subsection (1) with the permission of the Court.

(3) The Court may only grant permission under subsection (2) if satisfied that—

(a) there has been a material change in circumstances relating to the person; and

(b) it is in the interests of justice to grant permission.

This amendment inserts a new Part 2A—Continuing detention orders. This was the subject of my second reading speech yesterday. This amendment creates a second type of order under this legislation for continuing detention order. The amendment removes the breach of an ESO being a criminal offence, and creates a new regime as to how a breach of an ESO is treated.

We have made this amendment at the request of the presiding member of the Parole Board who has seen the amendment and supports it. If the presiding member of the Parole Board suspects that an offender may have breached their ESO, they can summons that offender to appear before the Parole Board or to issue a warrant for their arrest.

Members of the Parole Board and police officers also have the powers to seek a warrant to bring the offender before the Parole Board. In addition, upon a suspected breach of an ESO, an offender can be detained in custody by authorisation of a senior police officer and within 12 hours must be brought before the presiding member or deputy presiding member of the Parole Board. If these persons are unavailable they must be brought before a magistrate within 12 hours. These are the same conditions as apply for a breach of parole. Under the amendment, the Parole Board or magistrate in the first place then determines whether a person should remain at liberty on the ESO or whether they should be detained in custody and brought before the Supreme Court.

Under the amendment, the Supreme Court then has the power to either order that the person be released again on an ESO, or that a person be detained for the remaining length of their ESO or part of it under an order called a continued detention order. Under this amendment we have created the continued detention order and provided that it is the Supreme Court who determines whether a person will eventually be released again on the ESO or whether they spend time in custody on the continued detention order.

A continued detention order will only provide for the person to be detained until the date of the expiry of their ESO or a lesser period. The paramount consideration of the Supreme Court in determining whether to make a continued detention order is the safety of the community. In addition, the Parole Board is entitled to make submissions to the Supreme Court about the continued detention of the person.

New clauses inserted.

Clause 15.

The Hon. K.J. MAHER: I move:

Amendment No 5 [ManInnTrade–1]—

Page 9, lines 36 and 37 [clause 15(1)]—Delete 'obtaining assistance in determining an application' and substitute 'proceedings'

This amendment means that the Supreme Court is entitled to require any person to furnish the court with a report on any matter, not only in regards to the making of an ESO but also in regards to the making of a continued detention order.

Amendment carried; clause as amended passed.

Clause 16 passed.

Clauses 17 and 18.

The Hon. K.J. MAHER: I move:

Amendment No 6 [ManInnTrade–1]—

Clauses 17 and 18, page 10, line 12 to page 11, line 23 (inclusive)—Delete clauses 17 and 18

This amendment deletes clauses 17 and 18 of the bill to reflect that a breach of an ESO is no longer a criminal offence but rather is dealt with by way of the option of making a continued detention order.

Amendment carried; clauses negatived.

Clause 19.

The Hon. K.J. MAHER: I move:

Amendment No 7 [ManInnTrade–1]—

Page 11, lines 25 to 27 [clause 19(1)]—Delete

'on an application by the Attorney-General for an extended supervision order under section 7' and substitute:

'to make an extended supervision order or a continuing detention order'

This amendment reflects that the bill now includes two types of orders, the ESOs and the continued detention orders. As a result, this clause had to be changed so that appeals are held in the Full Court.

Amendment carried; clause as amended passed.

Clause 20 passed.

Schedule 1.

The Hon. K.J. MAHER: I move:

Amendment No 8 [ManInnTrade–1]—

Schedule 1, page 12, lines 7 and 8—Heading to Schedule 1—delete the heading to Schedule 1 and substitute:

Schedule 1—Related amendments

This amendment is to the heading of schedule 1 of the bill and reflects that the bill now amends not only the Correctional Services Act but also the Bail Act.

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 9 [ManInnTrade–1]—

Schedule 1, page 12, after line 8—After the heading to Schedule 1 insert:

Part 1—Preliminary

A1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of Bail Act 1985

A2—Amendment of section 4—Eligibility for bail

Section 4—after subsection (2) insert:

(3) Where a person is being detained under Part 2A of the Criminal Law (High Risk Offenders) Act 2015, the person is not eligible for release on bail.

Part 3—Amendment of Correctional Services Act 1982

This amendment to schedule 1 also reflects that the bill not only amends the Correctional Services Act but also the Bail Act. This amendment inserts the amendments to the Bail Act such that any question of release of a person who is suspected of breaching their ESO occurs not only in accordance with the Bail Act but is also dealt with in accordance with this legislation, and as noted

above the release of the offender into the community who has breached their ESO is dealt with by either the Parole Board or the Supreme Court. This amendment also inserts a new heading that is required before the bill spells out the amendments to the Correctional Services Act.

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 10 [ManInnTrade–1]—

Schedule 1, page 12, line 14 [Schedule 1, clause 1]—Delete 'Extended Supervision Orders' and substitute:

'High Risk Offenders'

Amendment No 11 [ManInnTrade–1]—

Schedule 1, page 12, line 17 [Schedule 1, clause 1]—Delete 'Extended Supervision Orders' and substitute:

'High Risk Offenders'

These amendments are both required merely to reflect the change in name of the bill due to the introduction of continued detention orders.

Amendments carried; schedule as amended passed.

Long title.

The Hon. K.J. MAHER: I move:

Amendment No 12 [ManInnTrade–1]—

Long title, page 1—After 'orders' insert 'and continuing detention orders'

Amendment No 13 [ManInnTrade–1]—

Long title, page 1—Delete 'a related amendment to' and substitute 'related amendments to the Bail Act 1985 and'

These amendments merely reflect the change in the bill to reflect the creation of continued detention orders, and that it makes amendments to the Bail Act to reflect the introduction of the continued detention orders.

Amendments carried; title as amended passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (YOUTH COURT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 May 2015.)

The Hon. A.L. McLACHLAN (16:36): I rise to speak to the Statutes Amendment (Youth Court) Bill 2015. I will be speaking on behalf of the Liberal opposition and setting out our views on the bill. I indicate that we will be supporting the bill but are seeking some amendments at the committee stage.

Ensuring the welfare of our children is one of the most important obligations of us all and, where necessary, of the state. It is in the interests of all of us to protect our children and ensure that they are nurtured which, in turn, enables them to become engaged participants in the life of their community and the state.

The Youth Court system arose out of 19th century thinking, having regard to the age or immaturity of children, and seeking to rehabilitate and reform them and even provide care and protection as opposed to necessarily just punishing them and seeking to deter further crime or out of retribution. The jurisdiction is a challenging one. Magistrates are challenged every day, as are judges, to treat young people who have committed offences in a way that is both compassionate and in the best interests of the child, while having regard to the need to protect the community from crime and ensuring the rule of law.

South Australia has a proud tradition in this jurisdiction. A separate youth or children's court has been a feature of the South Australian justice system since 1895, I think under the Kingston government, where the state children's act called for a separate room to be used for hearings or trials involving children. In 1978 the Hon. Don Banfield established the Youth Court and at that early stage of development it was pursuant to the Children's Protection and Young Offenders Act.

The Youth Court we have today in South Australia was established in 1993 by the Youth Court Act. The court is a specialist court which deals with young offenders from the age of 10 to 17. It is a court of criminal jurisdiction but also deals with child protection matters, adoption and surrogacy. The court has specialist judicial officers, family conferencing and a ban on media reporting to ensure that the names of children are not publicised.

These measures have been put in place to ensure that the best that can be done to assist young offenders in rehabilitating them and becoming productive members of the community is undertaken. I understand, from my reading, that the measures have proved to be largely successful. The Youth Court judiciary currently consists of a senior judge of the District Court, who serves as the principal judicial officer of the court, as well as other judges of the District Court, magistrates and special justices. In practice, there are two District Court judges, the senior judge and one other, and two magistrates who preside over the Youth Court.

The bill before us seeks to change the composition of the Youth Court by amending the Youth Court Act 1993 and the Young Offenders Act 1993 as well as some other consequential amendments. The bill provides that the principal officer of the Youth Court will be either a District Court judge or the Chief Magistrate. The remaining judicial officers of the Youth Court will still be magistrates and special justices. In essence, the bill seeks to enable the chief magistrate to sit as the senior judge of the Youth Court.

The bill also makes necessary amendments that flow from this—for example, to give magistrates the ability to hear major indictable trials for, as it currently stands, they are only able to determine and impose sentences in major indictable matters once the accused has pleaded guilty. The bill also makes other consequential amendments to ensure that the day-to-day work of the Youth Court can be undertaken by magistrates. This includes, for example, allowing magistrates to impose a sentence of detention of up to three years, allowing magistrates to hear applications for extensions of time on an investigation or assessment order under the Children's Protection Act, and allowing magistrates to hear applications under the Adoption Act and the Family Relationships Act.

The Liberal Party believes that we need to ensure that specialist judges of the District Court continue to lead the Youth Court. The Liberal Party's view has been informed largely by three submissions: one from the Law Society to the Attorney-General dated 6 March, a submission also to the Attorney-General dated 26 February 2015 from the Hon. Margaret Nyland in her role as Commissioner for Child Protection Systems Royal Commission, and a report in 2010 from Judge Peggy Fulton Hora, Adelaide's thinker in residence at the time.

Perhaps I will deal with each submission sequentially. The Law Society makes a number of submissions but the one I wish to bring to the attention of the chamber is that the Law Society submits that it is generally accepted that the developmental, emotional, psychological and dependency issues, and the impact on offending rehabilitation and sentencing, have a much greater relevance in use. Therefore, they suggest that it would be counterproductive, if not imprudent, for the specialists to be removed from the Youth Court.

They also point out that transforming the Youth Court into one administered by magistrates, excepting the oversight of the chief magistrate, tends to undermine the seriousness of major indictable matters in the Youth Court. They go on to say that major indictable matters are no less

serious, if not more serious, in the Youth Court than in the adult jurisdiction. They cannot comprehend the policy behind the proposal that a magistrate would preside over major indictable trials in the Youth Court.

I turn to the submission of the Hon. Margaret Nyland, Commissioner for Child Protection Systems in the Royal Commission. I do not intend to read into *Hansard* her submission in full but rather paraphrase it. The commissioner has indicated to the Attorney that the Youth Court plays a significant role in shaping child protection policy and practice in the state that has a responsibility of making some of the most important judicial decisions affecting our community—in other words, those who impact the welfare and development of vulnerable children.

She points out that the court has long been regarded as a specialist jurisdiction in which judicial officers are required to have a comprehensive understanding of the special challenges involved in child protection work, including the knowledge of such matters as child development and attachment issues. It is the commissioner's view that a specialist leadership is necessary to ensure those aims are met. She has expressed concern that the positioning of the court under the management and leadership of the chief magistrate who has responsibility for a much larger, more generalist magistrate court will undermine the court's capacity to fulfil its specialist functions.

I turn now to the report in 2010 where the thinker in residence, Judge Peggy Fulton Hora, said it was important that the judges and lawyers of the Youth Court are specialised, particularly when it comes to the development issues facing young people. The sentiment of Judge Peggy Fulton Hora, and indeed me, and shared by the Law Society, is that young people are our future and, therefore, they require experienced judges and the most professional youth justice system. South Australia should be aiming to meet or exceed best practice.

Having regard to these three submissions, the Liberal Party will be seeking to amend the bill, and the amendments will substitute the head of the court as a District Court judge rather than the current provision, which provides for a District Court judge or a magistrate. We commend the bill to the chamber and ask the members of the council to have serious regard to our amendments. I will have more to say at the committee stage.

Debate adjourned on motion of Hon. B.V. Finnigan.

JUDICIAL CONDUCT COMMISSIONER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 June 2015.)

The Hon. A.L. McLACHLAN (16:46): I rise to speak to the Judicial Conduct Commissioner Bill 2015 and set out the Liberal Party position. The Liberal Party will be supporting the bill and not seeking amendments. It is appropriate on the 800th anniversary of Magna Carta, which has just passed, to reflect on the role of the judiciary and its constraining power on the executive. This bill provides for the appointment of a judicial conduct commissioner. The judiciary is one of the three arms of government in addition to the legislature and the executive.

There has always been a need for the judiciary to be independent but also accountable to properly fulfil its role. The parliament executive acknowledged the importance of the principle of judicial independence and both have always been sensitive to making any intrusion into it. Judges have security of tenure, and this allows the judiciary to function and exercise its authority impartially without fear or favour. At the same time, there must be judicial accountability. Judges must be answerable for their actions and decisions to the community they serve.

Traditionally, judicial accountability has been achieved in a number of ways. Judges work in a public forum. Their trials are held openly in most instances to both the media and the public. If judges act poorly, or their conduct is unacceptable, it will be observed by all, including the advocates at the bar table. However, the public does need an understanding of the system, as do the media, and media reporting is not always clear and consistent. The public also has to be interested. The judiciary are also accountable, as they must give reasons and they are subject to an appeal process.

In this way, judges are held to account by superior courts on issues such as bias, procedural fairness and acting in excess of their powers.

However, these reviews are restricted to legal errors and not necessarily professional qualities of the judge. Bullying and inappropriate behaviour and late judgements are not always picked up through the appeal process. In the past, the manner of dealing with complaints has been vulnerable to criticism because it has been done opaquely but by the senior members of the judiciary and those presiding over the particular courts. This bill endeavours to strike an appropriate balance between judicial accountability and judicial independence. The opposition is supporting it because it believes that, when enacted, it should achieve this objective.

The community should have a mechanism whereby they can raise concerns about the professional behaviour of a member of the judiciary. The South Australian position at the moment, without this amending bill, is that there is currently no system that deals with complaints other than by legal appeal against judicial officers. As I have indicated, the only mode of complaint is with the head of jurisdiction, for example, the Chief Justice of the Supreme Court or the Chief Judge of the District Court.

The opposition also notes that other jurisdictions have moved away from the self-regulatory arrangement currently in place in South Australia. The Federal Court has a system of dealing with complaints against judges by the establishment of an ad hoc judicial commission to deal with each case. The Australian Capital Territory has a similar system to the Federal Court, established under their Judicial Commission Act 1994. Their commissioner is appointed by the Attorney-General and not the parliament. In New South Wales, they have the Judicial Commission, established under the Judicial Officers Act 1986, which consists of the heads of the New South Wales jurisdictions.

Victoria has the Judicial Commission of Victoria Bill, similar to the New South Wales model, but they have not yet enacted it into law. In Western Australia, the Western Australian Law Reform Commission examined a policy in 2012, and they have recommended the adoption of the New South Wales model; however, they have not sought to table a bill. As the chamber can see, the tide is moving in Australia, and South Australia seeks a degree of consistency with its sister states and territory.

The bill has very special rules about how we caution, discipline and dismiss judicial officers, if appropriate, by the parliament. This bill establishes a transparent, formal and partially independent mechanism for dealing with both internal and external complaints made against a judicial officer. While the functions of the judiciary as a decision-making institution should not be subjected to the will of the executive, no individual members of the judiciary should be immune from the examination of performance or conduct in the performance of their duties or in their extrajudicial behaviour.

The commissioner will be appointed for a term of seven years, which can be renewed up to a maximum of 10 years. It is likely to be a senior lawyer or a retired judge. The appointment of the commissioner must be approved by the parliamentary Statutory Officers Committee and can only be removed by both houses of the parliament. 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. In essence, the commissioner will take the role of a watchdog and investigate complaints.

Pursuant to the bill, if a complaint is made to the commissioner he or she will conduct a preliminary examination of the complaint. If the complaint is one that the ICAC Act applies to, it would then be referred to the Office for Public Integrity and all further action will would then be suspended until the process is complete. The commissioner is also obliged to notify any relevant head of a particular jurisdiction of any complaint received.

If the complaint is determined by the commissioner to be frivolous, vexatious, trivial, not made in good faith, or not within the commissioner's jurisdiction, or is in an attempt to relitigate the merits of a matter that has already been heard, then the commissioner may take no further action in relation to that complaint. Therefore, this new regime cannot be used by querulous litigants as a way to relitigate their matters. If the complaint passes these initial threshold tests, it may be classified as more serious or less serious. If less serious, the commissioner may refer it for action to the Chief Judge or Chief Justice who then, under the bill, will be given powers to resolve it. The commissioner will be required to report annually to the parliament.

In conclusion, the opposition has noticed that the government has a number of spending priorities which are outstanding in relation to the law and order policy community debate, particularly, for example, the need to invest in our court system. I understand the Treasurer may have made a few comments in that regard today.

Given the parlous state of the economy, we are now creating another commissioner. Having noted the context of the creation of this new commissioner, the Liberal Party still believes that this bill is worth enacting because it further supports the role of the judiciary and the respect in which it is held by the community. There is no better time to do so in the year of the 800th anniversary of the Magna Carta, which has a consistent theme of judicial review of acts of the executive. With those words, I support the bill and on behalf of the Liberal opposition I commend it to the chamber.

Debate adjourned on motion of Hon. B.V. Finnegan.

LOCAL GOVERNMENT (GAWLER PARK LANDS) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:56): 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.

In 1864, land comprising some 134 acres, was conveyed to the Corporation of the Town of Gawler. The land, which surrounds the historical core of Gawler, is held by the Town of Gawler in fee simple and is subject to a charitable trust for the purposes of a public park or park lands and a public cemetery. Charitable trusts must be for the public benefit and must be for the benefit of a section or division of the community, or of the community generally, rather than for a confined group of private individuals.

Much of the land held under the trust has been developed in a manner that is consistent with the terms of the charitable trust. For example, for park lands, sports fields and tennis and netball courts. However, over the years the Town of Gawler has granted a number of leases and licences in respect of recreational, sporting and community facilities, including showgrounds, bowling greens, a greyhound racing track and a swimming pool with associated club houses. A significant area of the park lands has also been developed as a caravan park and is currently leased to a private operator. Although these licences and leases appear to have been created in conformity with the provisions of the *Local Government Act 1999* relating to the leasing of community land, many of them are inconsistent with the terms of the charitable trust.

This situation has given rise to practical difficulties for the Town of Gawler and, as a result, the Town of Gawler requested that the Government consider legislation to discharge the trusts and to declare the land 'community land' under the *Local Government Act 1999*.

The Bill before the House extinguishes the charitable trusts in relation to the land and provides that no transaction entered into by the Town of Gawler in respect of the land prior to the Act being enacted is invalid (by reason of constituting a breach of trust).

In addition, the Bill amends Schedule 8 of the *Local Government Act 1999* to classify the land as community land, a classification that is to be irrevocable. This approach will empower the Town of Gawler to grant a wider range of leases and licences over the land, whilst still ensuring that the ideology of the charitable trust is continued and the land used for the benefit of the community. The irrevocable classification of the land as community land will also ensure that the Town of Gawler cannot sell off the land once the trusts have been discharged.

The Bill also avoids the need for the Town of Gawler to proceed under section 25 of the *Burial and Cremation Act 2013* (previously section 588 of the *Local Government Act 1934*) which provides that where a closed council cemetery is on land held on trust by the council, the council may petition the Minister to have the trust determined and the land dedicated as park lands. The Minister may only comply with the petition after conducting an inquiry to ascertain whether any interment rights exist over the land or whether there is any reason why the trust should not be determined.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

3—Amendment of Schedule 8—Provisions relating to specific land

This clause inserts a new clause into Schedule 8 of the Act providing that the Gawler Park Lands and Pioneer Park are classified as community land and the classification is irrevocable. Pioneer Park must continue to be maintained as a place of public interest and a public garden. The proposed clause also revokes trusts applicable to the land and ensures that former transactions involving the land are not invalidated or held to be a breach of those trusts.

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

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:57): 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 will enact new offences, mirroring those enacted in Queensland, both those in their Criminal Code and those in their Liquor Act, declared valid by the High Court. In addition, the Bill modifies South Australia's consorting provisions as enacted in New South Wales and declared valid by the High Court, modified in accordance with the advice of the Solicitor-General.

Moreover, this Bill contains the same provisions as Queensland enacted in specifying declared criminal organisations and prescribed places (although, of course, places will differ). Extensive and detailed advice has been taken from police, both on names and places, and their proposals have been assessed by reference to the proposed statutory criteria for the making of regulations.

Consorting—South Australia

Section 13 of the *Summary Offences Act 1953* ('the SO Act') contains the offence of consorting. It provides that a person must not, without reasonable excuse, habitually consort with a prescribed person or persons. A person may consort with another person for the purposes of section 13 by any means, including by letter, telephone or fax or by email or other electronic means. A maximum penalty of two years imprisonment applies.

Part 14A of the SO Act establishes a regime for consorting prohibition notices. Section 66A provides for a senior police officer to issue a consorting prohibition notice prohibiting a person (the recipient) from consorting with a specified person or persons if the officer is satisfied that:

- the recipient is subject to a control order under the *Serious and Organised Crime (Control) Act 2008* 'the SOCC Act'), or the specified person or each specified person:
    - has, within the preceding period of three years, been found guilty of one or more prescribed offences; or
    - is reasonably suspected of having committed one or more prescribed offences within the preceding period of three years;
- the recipient has been habitually consorting with the specified person or specified persons; and
- the issuing of the notice is appropriate in the circumstances.

Section 66C provides that a consorting prohibition notice must be served on the recipient personally and is not binding on the recipient until it has been so served (other than where the Magistrates Court orders substituted service).

Section 66D and the following sections contain the necessary machinery and procedural provisions. Section 66K provides that a person who contravenes or fails to comply with a consorting prohibition order is guilty of an offence. The maximum penalty is imprisonment for two years. However:

- a person does not commit an offence in respect of an act or omission unless the person knew that the act or omission constituted a contravention of, or failure to comply with, the notice, or was reckless as to that fact;
- a consorting prohibition notice:

- does not prohibit associations between close family members; and
- does not prohibit associations occurring between persons:
  - for genuine political purposes; or
  - while the persons are in lawful custody; or
  - while the persons are acting in compliance with a court order; or
  - while the persons are attending a rehabilitation, counselling or therapy session of a prescribed kind; and
- may specify other circumstances in which the notice does not apply.

The offence of consorting and the consorting prohibition notices were introduced through the *Statutes Amendment (Serious and Organised Crime) Bill 2012*. They are important components of the Government's serious and organised crime strategy.

Consorting—New South Wales

New South Wales also recognised the importance of the use of consorting offences in the legislative armoury against organised crime and legislated at about the same time as South Australia.

Section 93X of the *Crimes Act 1900* (NSW) contains that jurisdiction's consorting offence. Section 93X provides that any person who habitually consorts with convicted offenders, after having been given an official warning by police in relation to each of those offenders, is guilty of an offence, punishable by imprisonment, fine, or both. A person does not 'habitually consort' with convicted offenders unless the person consorts with at least two convicted offenders (whether on the same or separate occasions) and the person consorts with each convicted offender on at least two occasions.

Section 93W of the *Crimes Act 1900* (NSW) defines 'consort' to mean consort in person or by any other means, including by electronic or other form of communication, and 'convicted offender' to mean a person who has been convicted of an indictable offence (disregarding an offence under section 93X). Section 93Y provides that specified forms of consorting are to be disregarded for the purpose of section 93X if the defendant satisfies the court that the consorting was reasonable in the circumstances. The specified forms of consorting are consorting:

- with family members;
- that occurs in the course of lawful employment or the lawful operation of a business;
- that occurs in the course of training or education;
- that occurs in the course of the provision of a health service;
- that occurs in the course of the provision of legal advice; and
- that occurs in lawful custody or in the course of complying with a court order.

On 8 October 2014 the High Court of Australia, by majority, dismissed a challenge to the constitutional validity of section 93X (Tajjour v State of New South Wales; Hawthorne v State of New South Wales; Forster v State of New South Wales [2014] HCA 35).

The plaintiffs alleged that section 93X was invalid because it impermissibly burdened the freedom of communication concerning government and political matters implied in the Commonwealth Constitution. Two of the plaintiffs further alleged that section 93X was invalid because it infringed a freedom of association which they said should be found to be implied in the Constitution and because the provision was inconsistent with Australia's obligations under the International Covenant on Civil and Political Rights ('the ICCPR').

By majority, the High Court upheld the validity of section 93X. The Court accepted that the provision effectively burdened the implied freedom of communication about government and political matters. However, the majority of the Court held that section 93X was not invalid because it was reasonably appropriate and adapted, or proportionate, to serve the legitimate end of the prevention of crime in a manner compatible with the maintenance of the constitutionally prescribed system of representative government.

The High Court unanimously concluded that the provisions of the ICCPR, where not incorporated in Commonwealth legislation, imposed no constraint upon the power of a State Parliament to enact contrary legislation. Each member of the High Court who considered it necessary to answer the question about a free-standing freedom of association concluded that no such freedom is to be implied in the Constitution.

The critical point to note here is that the New South Wales consorting provisions have been subjected to a thorough and searching examination by the High Court and found to be constitutional. The South Australian provisions have yet to be the subject of litigation.

Consorting in the Bill

The New South Wales model can be improved in a non-constitutionally threatening way by making it interact seamlessly with corresponding laws (like the New South Wales laws themselves). The official warnings and the number of occasions of consorting should be recognised whether or not they take place in South Australia or in another corresponding jurisdiction (such as New South Wales).

Second, advice from the Solicitor-General is to the effect that it is worth keeping the provisions dealing with consorting prohibition notices in an amended form. The Solicitor-General suggests the removal of any requirement that there be a control order under the SOCC Act.

In addition, it is now proposed to enact the Queensland consorting-like offences in the Criminal Code declared valid by the High Court. That means enacting these offences:

1. the offence of a being a participant in a criminal organisation being knowingly present in a public place with two or more other persons who are participants in a criminal organisation (section 60A of the Criminal Code);

2. the offence of being a participant in a criminal organisation entering a prescribed place or attending a prescribed event (section 60B of the Criminal Code); and

3. the offence of being a participant in a criminal organisation recruiting anyone to become a participant in a criminal organisation (section 60C of the Criminal Code).

For the first two purposes, a criminal organisation is defined to mean:

(a) an organisation of three or more persons:

(i) who have as their purpose, or one of their purposes, engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, serious criminal activity as defined under the SOCC Act; and

(ii) who, by their association, represent an unacceptable risk to the safety, welfare or order of the community; or

(b) a declared organisation under the SOCC Act; or

(c) an entity declared under a regulation to be a criminal organisation.

For the third purpose, the definition of criminal organisation will be limited to paragraph (c). This is because the current Part 3B of the Criminal Law Consolidation Act 1935 already adequately and expressly deals with recruiting in the context of definitions (a) and (b).

The Minister will be asked to consider the criminal history of the organisation and its members before recommending that a regulation be made declaring an organisation to be a criminal organisation.

The SOCC Act- South Australian Legislative History

The Government began its legislative attack on serious and organised crime in general and outlaw motor-cycle gangs in particular with the enactment of the SOCC Act. On 11 November 2010 the High Court, by a majority of 6-1, decided that, at least in so far as the Magistrates Court was required to make a control order on a finding that the respondent was a member of an organisation declared to be a criminal organisation under the SOCC Act, that court was acting at the direction of the executive, was deprived of its essential character as a court within the meaning of Chapter III of the Commonwealth Constitution and that section was, therefore, invalid (South Australia v Totani (2010) 242 CLR 1 ('Totani')). The net effect of that decision was that a key part of the legislative scheme in the SOCC Act was inoperable. That, in turn, meant that the legislative scheme for attacking criminal organisations and their members was rendered ineffective and the essential objectives of the SOCC Act thwarted.

In 2011-2012 the Government prepared extensive amendments to the SOCC Act in light of Totani and the subsequent decision of the High Court to invalidate the New South Wales equivalent legislation in Wainohu v New South Wales (2011) 243 CLR 181. These amendments represented, on the best advice then available to Government, an attempt to place the legislation and the accomplishment of its aims on a sound constitutional footing. The amendments were passed and came into effect as the *Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*.

After the 2012 amendments the High Court heard and delivered judgment on a constitutional challenge to the equivalent *Criminal Organisation Act 2009* (Qld). The *Criminal Organisation Act 2009* (Qld) differed from both versions of the SOCC Act. The High Court dismissed the challenge and upheld the validity of the Queensland scheme in Assistant Commissioner Condon v Pompano Pty Ltd & Anor [2013] HCA 7. The *Serious and Organised Crime (Control) (Declared Organisations) Amendment Act 2013* amended the South Australian legislative scheme in accordance with the High Court decision of validity by vesting the jurisdiction to make declarations of unlawful organisations in the Supreme Court rather than, as before, 'eligible judges'.

The package of amendments introduced in 2013 was not, however, confined to amendments to the SOCC Act. The *Statutes Amendment (Serious and Organised Crime) Bill 2013* enacted a series of assorted measures aimed

at disrupting and distressing serious and organised crime, its members and aspirant members. In brief, the Bill contained these initiatives:

- a new offence framed so as to criminalise participation in a criminal organisation knowing or being reckless as to both:
  - whether it is a criminal organisation; and
  - whether the participation contributes to the occurrence of any criminal activity.

Participation includes recruitment, supporting the organisation, committing an offence for or at the direction of the organisation and occupying a leadership or management position in the organisation;

- an increase in maximum penalties, including aggravated versions of various existing offences, the aggravation being that the offence was committed for the benefit of, at the direction of, in association with a criminal organisation or the offender identifies him or herself as the member of a criminal organisation;
- a presumption against bail for any person charged with a serious and organised crime offence and severe conditions if bail is granted;
- a special procedure of direct indictment into the Supreme Court. Where that direct indictment is made, the trial of the accused must begin within strict time lines to minimise the opportunity to intimidate or otherwise harass the victim or the witnesses;
- a frightened witness is given the opportunity to give evidence as a vulnerable witness in the same way as any other person who faces intimidation in giving evidence against another;
- provisions creating new offences and procedures directed against consorting, loitering and enabling place restriction and non-association orders; and
- the special admission of evidence of what a frightened witness said out of court if through fear that person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement.

The SOCC Act—Recent Developments in Queensland

By 2013, Queensland had a new government and it was determined to go beyond the previous nationally agreed model of counter-organised crime legislation. It enacted a large package of measures as the *Criminal Law (Criminal Organisations Disruption) Amendment Act 2013* (Qld) with associated amendments, most notably in this context, amendments to the *Liquor Act 1992* (Qld). The first part of the package contained the *Vicious Lawless Association Disestablishment Act 2013* (Qld) ('the VLAD Act') and new provisions of the Criminal Code annexed to the *Criminal Code Act 1988* (Qld) ('the Criminal Code') and the *Bail Act 1980* (Qld).

This package of legislation was in addition to the *Criminal Organisation Act 2009* (Qld) discussed above. Significantly, it directed its attack at consorting-type behaviour and other behaviour associated with consorting.

The VLAD Act provided for significant additional penalties by way of imprisonment to be imposed upon persons convicted of declared offences who are participants in associations which had not been shown not to have a criminal purpose. New provisions in the Criminal Code provided for enhanced penalties to be imposed on persons, convicted of certain offences against the Criminal Code, in the aggravating circumstance where such persons are participants in organisations which are found to be, or had been declared by the Supreme Court or designated by regulation as, criminal organisations. The amendments to the *Bail Act 1980* (Qld) imposed constraints upon the grant of bail to persons who were participants in such organisations if they are charged with any offences. Further amendments to the Criminal Code created new offences which effectively imposed restrictions upon the freedom of movement and association of participants in criminal organisations. Amendments to the *Liquor Act 1992* (Qld) proscribed the wearing or carrying in licensed premises of items bearing insignia and other markings of criminal organisations.

It is apparent that some of the features of this package of legislation borrowed from and adapted features of the *Statutes Amendment (Serious and Organised Crime) Bill 2013*.

Significantly, the definition of criminal organisation for the purposes of these offences includes an entity declared by regulation under the Criminal Code to be a criminal organisation. Section 708A of the Criminal Code sets out criteria which the Minister may have regard to in deciding whether to recommend a listing of a criminal organisation by regulation. The definition of criminal organisation also includes an organisation declared to be a criminal organisation under the Criminal Organisation Act 2009 and an organisation that had the purpose of committing serious criminal offences and posing an unacceptable risk to community safety.

But the Queensland Parliament took things a step further. Section 70 of the *Criminal Law (Criminal Organisations Disruption) Amendment Act 2013* (Qld) said:

70 Making of Criminal Code (Criminal Organisations) Regulation 2013

(1) Schedule 1 has effect to make the Criminal Code (Criminal Organisations) Regulation 2013 that is set out in schedule 1 as a regulation under the Criminal Code.

(2) To remove any doubt, it is declared that the Criminal Code (Criminal Organisations) Regulation 2013, on the commencement of schedule 1, stops being a provision of this Act and becomes a regulation made under the Criminal Code.

Schedule 1 of the Act listed the organisations by name that were to be declared to be criminal organisations under the provisions ('criminal organisations') and also listed, by address, the places in which consorting or associating was to be made unlawful ('prescribed places'). These listing were by the provision quoted then deemed to have been made as regulations.

VLAD—The High Court Decision

The entire package was the subject of a constitutional challenge by a member of the Hells Angels Motor Cycle Club. The challenge reached the High Court.

The High Court divided the legislation challenged into three categories:

- those provisions of the VLAD Act that imposed aggravated sentences on a participant in a criminal organisation found to have committed certain offences;
- those new provisions of the Criminal Code that created new offences, an element of which included being a participant in a criminal organisation or which involved wearing or carrying symbols of criminal organisations; and
- amendments to the *Bail Act 1980* (Qld) reversing the presumption of bail for an accused alleged to be a participant in a criminal organisation.

The High Court was unanimous in deciding that the plaintiff did not have standing to challenge those provisions dealt with in categories one and three. It necessarily follows that the Court did not rule on the constitutional validity of those provisions. The 6:1 majority upheld the constitutional validity of those provisions in category two. It necessarily follows that the Court ruled the following measures to be constitutionally valid:

- the offence of a being a participant in a criminal organisation being knowingly present in a public place with two or more other persons who are participants in a criminal organisation (section 60A of the Criminal Code);
- the offence of being a participant in a criminal organisation entering a prescribed place or attending a prescribed event (section 60B of the Criminal Code);
- the offence of being a participant in a criminal organisation recruiting anyone to become a participant in a criminal organisation (section 60C of the Criminal Code);
- the offence of knowingly allowing a person who is wearing or carrying a prohibited item to enter or remain in liquor licensed premises (section 173EB of the *Liquor Act 1992* (Qld));
- the offence of entering and remaining in licensed premises wearing or carrying a prohibited item (section 173EC of the *Liquor Act 1992* (Qld)); and
- the offence of failing to leave licensed premises when required to leave because of wearing or carrying a prohibited item (section 173ED of the *Liquor Act 1992* (Qld)).

The High Court considered the device of defining a criminal organisation by regulation. The decision clearly says that this way of defining a criminal organisation is constitutionally valid 'for the purposes of these offences'.

Core Proposals

The Bill contains those same provisions, notably the new offences, both those in the Criminal Code and those in the Liquor Act, as enacted in Queensland and declared valid by the High Court. In addition, the Bill modifies South Australia's consorting provisions as enacted in New South Wales and declared valid by the High Court, modified in accordance with the advice of the Solicitor-General.

Moreover, this Bill contains the same provisions as Queensland enacted in specifying declared criminal organisations and prescribed places (although, of course, the places will differ).

The Bill names, in Schedules 1 and 2, the following as declared criminal organisations:

(a) the motorcycle club known as the Bandidos;

(b) the motorcycle club known as the Black Uhlans;

(c) the motorcycle club known as the Coffin Cheaters;

(d) the motorcycle club known as the Commancheros;

(e) the motorcycle club known as the Descendants;

(f) the motorcycle club known as the Finks;

(g) the motorcycle club known as the Fourth Reich;

(h) the motorcycle club known as the Gladiators;

(i) the motorcycle club known as the Gypsy Jokers;

(j) the motorcycle club known as the Hells Angels;

(k) the motorcycle club known as the Highway 61;

(l) the motorcycle club known as the Iron Horsemen;

(m) the motorcycle club known as the Life and Death;

(n) the motorcycle club known as the Lone Wolf;

(o) the motorcycle club known as the Mobshitters;

(p) the motorcycle club known as the Mongols;

(q) the motorcycle club known as the Muslim Brotherhood Movement;

(r) the motorcycle club known as the Nomads;

(s) the motor cycle club known as the Notorious;

(t) the motorcycle club known as the Odins Warriors;

(u) the motorcycle club known as the Outcasts;

(v) the motorcycle club known as the Outlaws;

(w) the motorcycle club known as the Phoenix;

(x) the motorcycle club known as the Rebels;

(y) the motorcycle club known as the Red Devils;

(z) the motorcycle club known as the Renegades;

(za) the motorcycle club known as the Scorpions.

Members should note that this list includes organisations that have a presence in South Australia and organisation that are based in other jurisdictions and do not.

It might be asked why this is being done. The answer is first, that the legislation will give Parliament the chance to debate and approve the listing of criminal organisations and the places and second, while the making of a regulation is open to judicial review, the decision of Parliament is not.

I have taken extensive and detailed advice from police both on names and places listed in Schedules 1 and 2 and have considered their inclusion by reference to the proposed statutory criteria for the making of regulations. I am satisfied, based on this advice, that each meets the proposed statutory criteria for the making of regulations.

Sentencing Considerations

A number of the Queensland offences provide for mandatory minimum penalties. This Government has consistently opposed mandatory minimum sentences and it should continue to do so.

Instead of a mandatory minimum penalty, the Bill provides:

- imprisonment should ordinarily be imposed unless exceptional circumstances are found to exist;
- the period or any part of it may only be suspended if exceptional circumstances are found to exist;
- if exceptional circumstances are found in either or both instances, they must be detailed in written reasons; and
- a finding of exceptional circumstances must be backed by evidence on oath.

In addition, provision is made for a 'standard non-parole period'. The standard non-parole period must be taken into account by the court in determining the appropriate sentence and, if the court fixes a different non-parole period, the court must record its reasons for so doing and must identify each factor that it took into account. The standard non-parole period specified is nine months and represents the non-parole period for an offence, being a first offence, in the middle of the range of objective seriousness for these offences.

Conclusion

This Bill represents another step forward in the fight against organised crime.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 5—Interpretation

This clause modifies the definition of criminal organisation consequentially on the insertion of Part 3B Division 2. The definition refers to the definition contained in Part 3B Division 1 and as such remains unchanged by the measure.

5—Insertion of heading to Part 3B Division 1

This clause inserts a heading to Part 3B Division 1 which serves to wrap the present contents of Part 3B into a new Division 1.

6—Amendment of section 83D—Interpretation

This clause replaces references to the 'Part' with references to the 'Division', which is consequential on clause 5.

7—Amendment of section 83G—Evidentiary

This clause replaces references to the 'Part' with references to the 'Division', which is consequential on clause 5.

8—Insertion of Part 3B Division 2

This clause inserts Part 3 Division 2 comprised of 4 sections, 3 of which are offences in relation to criminal organisations.

Proposed section 83GA includes an interpretation subclause for the purposes of the Division and provides for a declaration, by regulation on the recommendation of the Minister, that specified entities are criminal organisations for the purposes of the Division. This proposed section also provides that a change in the name or membership of a criminal organisation, or a reforming of a criminal organisation into another organisation, will not affect the status of the organisation as a criminal organisation.

Proposed section 83GB provides that any person who is a participant in a criminal organisation and is knowingly present in a public place with 2 or more other persons who are participants in a criminal organisation commits an offence. The maximum penalty is imprisonment for 3 years.

Proposed section 83GC provides 2 offences. Firstly, any person who is a participant in a criminal organisation and enters, or attempts to enter, a prescribed place commits an offence. Secondly, any person who is a participant in a criminal organisation and attends, or attempts to attend, a prescribed event commits an offence. The maximum penalty in each case is imprisonment for 3 years.

Proposed section 83GD provides that any person who is a participant in a criminal organisation and recruits, or attempts to recruit, anyone to become a participant in a criminal organisation commits an offence. The maximum penalty is imprisonment for 3 years.

Proposed section 83GE provides for matters related to sentencing which must be followed unless the sentencing court finds exceptional reasons exist for departing from the requirements of the section. The requirements are that—

(a) a sentence of imprisonment must be imposed on the person;

(b) the sentence of imprisonment cannot be suspended;

(c) sections 17 and 18 of the *Criminal Law (Sentencing) Act 1988* do not apply;

(d) section 18A(1) of the *Criminal Law (Sentencing) Act 1988* does not apply (but nothing in this subsection affects the operation of that section in respect of other offences for which the person is being sentenced).

Proposed section 83GE also requires a court, if the court is required to impose a non-parole period in sentencing a person for an offence against the Division, to have regard to the standard non-parole period, being 9 months (and representative of the non-parole period for an offence, being a first offence, in the middle of the range of objective seriousness for offences in the Division). The court must provide written reasons if it departs from the standard non-parole period.

Proposed section 83GF provides that if a court, on application by the DPP, declares an organisation to be a criminal organisation within the meaning of paragraph (a) of the definition of criminal organisation, then that organisation will, for the purposes of any subsequent criminal proceedings, be taken to be a criminal organisation (within the meaning of that paragraph) in the absence of proof to the contrary.

Part 3—Amendment of *Liquor Licensing Act 1997*

9—Insertion of Part 7B

This clause inserts new Part 7B dealing with offences relating to criminal organisations.

Proposed section 117B includes definitions for the purposes of the Part. Importantly, prohibited item means an item of clothing or jewellery or an accessory that displays the name of a declared criminal organisation, the club patch, insignia or logo of a declared criminal organisation or any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, a declared criminal organisation. This clause also provides that a change in the name or membership of a declared criminal organisation, or a reforming of a declared criminal organisation into another organisation, will not affect the status of the organisation as a declared criminal organisation.

Proposed section 117C provides an offence for the licensee, the responsible person or an employee or agent of the licensee or responsible person working at the premise if they knowingly allow a person who is wearing or carrying a prohibited item to enter or remain in licensed premise. The maximum penalty is $10,000. It is proposed that there be a defence for a defendant to prove that the defendant or another person referred to in subsection (1)(a), (b) or (c) made a request to a police officer in accordance with section 117E(2a) in relation to the person wearing or carrying a prohibited item.

Proposed section 117D provides that a person must not enter or remain in licensed premises if the person is wearing or carrying a prohibited item. The maximum penalty is $25,000 for a first offence, $50,000 or imprisonment for 6 months for a second offence and $100,000 or imprisonment for 18 months for a third or subsequent offence.

Proposed section 117E provides that if an authorised person requires a person who is wearing or carrying a prohibited item to leave licensed premises, the person must immediately leave the premises. This section also provides that if a person fails to leave when required to, an authorised person may use necessary and reasonable force to remove the person and if a person referred to in section 117C(1)(a), (b) or (c) requests a police officer to exercise a power conferred by this section in relation to a person, the police officer must do so if satisfied that the power may be exercised in relation to the person under the section. The maximum penalty in each case is $25,000 for a first offence, $50,000 or imprisonment for 6 months for a second offence and $100,000 or imprisonment for 18 months for a third or subsequent offence.

Further, proposed section 117E provides an offence of resisting an authorised person who is removing a person. The maximum penalty is $50,000 or imprisonment for 6 months for a first offence and $100,000 or imprisonment for 18 months for a second or subsequent offence.

Part 4—Amendment of *Summary Offences Act 1953*

10—Substitution of section 13

This clause substitutes a new section dealing with the offence of consorting. The proposed new offence applies to a person who habitually consorts with convicted offenders (whether in or out of South Australia) and then consorts with those persons after being issued with an official warning in relation to each of the convicted offenders. The maximum penalty is imprisonment for 2 years. The provisions lists types of consorting that is to be disregarded if it is shown to be reasonable in the circumstances, such as consorting with family members or in the course of lawful employment.

11—Amendment of section 66A—Senior police officer may issue consorting prohibition notice

This clause amends the section 66A so that the provisions relating to consorting prohibition notices do not apply in relation to a person the subject of a control order under the *Serious and Organised Crime (Control) Act 2008*.

Part 5—Regulations

12—Preliminary

This clause provides that the *Subordinate Legislation Act 1978* does not apply in relation to a regulation made pursuant to this Part.

13—Making of *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*

This clause provides that Schedule 1 has effect to make the Criminal Law Consolidation (Criminal Organisations) Regulations 2015 (which are set out in the Schedule) being regulations that will be taken to have been made under the C*riminal Law Consolidation Act 1935*.

14—Making of *Liquor Licensing (Declared Criminal Organisations) Regulations 2015*

This clause provides that Schedule 2 has effect to make the *Liquor Licensing (Declared Criminal Organisations) Regulations 2015* (which are set out in the Schedule) being regulations that will be taken to have been made under the *Liquor Licensing Act 1997*.

Schedule 1—*Criminal Law Consolidation (Criminal Organisations) Regulations 2015*

1—Short title

This clause provides the short title of the regulations, the *Criminal Law Consolidation (Criminal Organisations) Regulations 2015*.

2—Organisations declared to be criminal organisations—section 83GA

This clause provides the list of entities declared to be criminal organisations for the purposes of paragraph (c) of the definition of criminal organisation in proposed section 83GA(1) of the Act.

3—Places declared to be prescribed places—section 83GA

This clause provides the list of places declared to be prescribed places for the purposes of the definition of prescribed places in proposed section 83GA(1) of the Act.

Schedule 2—*Liquor Licensing (Declared Criminal Organisations) Regulations 2015*

1—Short title

This clause provides the short title of the regulations, the *Liquor Licensing (Declared Criminal Organisations) Regulations 2015*.

2—Organisations declared to be declared criminal organisations

This clause provides the list of entities declared to be declared criminal organisations for the purposes of the definition of criminal organisation in proposed section 117B(1) of the Act.

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

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:58): I move:

That this bill be now read a second time.

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

Leave granted.

At the last State Election, the Government made an election commitment to make changes to the law to ensure 'no body; no parole'. The commitment promised that changes would be progressed to ensure that prisoners sentenced to life imprisonment for the offence of Murder, assist and cooperate with investigative authorities to locate the remains of their victim(s).

The *Correctional Services (Parole) Amendment Bill 2015* (the Bill) provides for amendments to be made to the *Correctional Services Act 1982* (the Act) to implement some important changes to the process for release on parole of life sentenced prisoners as well as the election commitment.

The 'no body; no parole' changes compel the Parole Board to give consideration to the degree to which life sentenced prisoners who have applied for release on parole have cooperated with authorities in the investigations of the offence. The new provisions will also apply to prisoners convicted and sentenced to life imprisonment for the offences of Conspiracy to Murder and Aiding, Abetting, Counselling or Procuring the Commission of Murder.

The way it does this is by inserting provisions into the Act that require the Parole Board to obtain and consider a report from the Commissioner of Police providing an evaluation of the significance and usefulness of the prisoner's

cooperation in investigations. The Bill provides that the Board must not release the prisoner on parole unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence.

When the Government announced this commitment it very rightly received overwhelming support from victim advocacy groups and the public alike who have unfailingly expressed utter outrage and disgust at the very thought that a murderer could deliberately withhold this information further traumatising grieving families and loved ones.

The changes are designed to bring closure to victims' families and provide a strong incentive for criminals to cooperate with authorities.

It is really very simple—no cooperation means no parole.

The Bill also seeks other amendments to the Act in relation to parole for life sentenced prisoners.

Under the current provisions a life sentenced prisoner becomes eligible to apply for parole once they have served their non-parole period in custody (providing they have a period fixed).

The application process for life sentenced prisoners to be released on parole in South Australia is a two staged process. Firstly the Parole Board of South Australia will consider the application and either recommend or decline release.

Applications require a significant amount of consideration particularly in relation to assessing risk to the community. The Parole Board must be satisfied that the prisoner has taken adequate steps to address their offending behaviour before a recommendation for release to parole will be made. If the Parole Board recommends release, the recommendation is forwarded to the Governor in Executive Council for consideration.

The Governor in Executive Council has the final decision as to whether a life sentenced prisoner is to be released to parole.

This State is one of only two States in Australia that still has the Governor as the decision maker.

Whilst it might be easily accepted that release to parole for these prisoners warrants a different process to other parole releases, and simple to argue that the decision making process must have a review instrument of sorts, the involvement of the Government and Governor in making such an administrative decision has received a great deal of scrutiny, including from the Parliament from time to time.

The Bill seeks to remove the Governor's role but inserts new provisions to provide an independent review process of these decisions, never previously put to Parliament to consider.

Further, it inserts some extra provisions for release on parole and in so doing, it maintains and strengthens the commitment to community safety and to victims of crime.

The proposal to remove the Governor's role and insert a new review role in the parole process has received support from stakeholders consulted to date.

Stakeholders who have offered their support for the proposal include the Law Society, the Presiding Member of the Parole Board and the Commissioner for Victims' Rights.

The Bill maintains the role of the Parole Board as the first stage of determining release on parole for life sentenced prisoners; the Board will undertake determinations much as it does now, albeit with the additional consideration of whether or not a prisoner has cooperated with authorities in locating the remains of their victim(s) in relevant circumstances.

In accordance with current provisions in the Act, the paramount consideration of the Board when determining an application for the release of a prisoner on parole must be the safety of the community.

Under the new proposal, the Parole Board will either refuse the application for release on parole, or make a decision to release on parole.

In keeping with that appropriate focus of community safety, in the event the Board makes a decision to release a life sentenced prisoner on parole, the Bill provides a right to seek a review of the decision by:

- The Attorney-General;
- The Commissioner of Police; and
- The Commissioner for Victims' Rights.

If none of the parties lodge submissions within the review period, the prisoner is released on parole subject to the conditions determined by the Parole Board.

Should an application for review be lodged by any or all of the responsible individuals seeking additional conditions or amendments to the release conditions, the Bill provides for this consultation to be undertaken through conference with the applicant(s) and the Parole Board in order to reach a settlement. The prisoner is represented in these proceedings by the Parole Board.

If the application is for a review of the Parole Board's decision, notification will be made to the prisoner, the Board, the applicant(s) and each of the other persons able to make application for review, and a full review will be undertaken.

The Bill establishes the Parole Administrative Review Commissioner (PARC) to undertake this review process and provides for the powers and procedures of the Commissioner in carrying out a review.

The establishment of the PARC for this function will maintain and even strengthen confidence in the parole decision process for these prisoners as the Bill limits eligibility for appointment to former Court Judges only: Exceptionally respected, learned individuals who it could be easily argued are the very best placed citizens to be appointed to undertake such a review.

At the conclusion of the review, the Commissioner may affirm or vary the decision of the Parole Board. The Commissioner may also set aside the decision of the Parole Board, and either substitute their own decision, or send the matter back to the Parole Board with directions or recommendations.

The establishment of the Commissioner and the right of review process will provide the appropriate oversight of decisions made by the Parole Board for the release of life sentenced prisoners.

Other changes to strengthen the parole provisions for life sentenced prisoners includes amending the current discretionary power of the Parole Board to impose electronic monitoring on life sentenced prisoners released on parole. In order to mirror amendments progressed for child sex offenders that were passed by the Parliament unopposed in late 2013, this Bill will see the Parole Board compelled to consider imposing electronic monitoring as a condition of parole for these prisoners (which could include GPS monitoring).

Electronic monitoring is a valuable monitoring tool currently used by the Department for Correctional Services for the rigorous monitoring and supervision of certain offenders in the community. Recently the Department commenced using more sophisticated GPS technology for this purpose.

Electronic monitoring specifically enhances the ability to monitor an offender's compliance with the special conditions to which they are subject. It can significantly assist offenders to comply with the conditions of their Order and further support them to live offence-free lifestyles whilst at the same time, balancing the needs of the public in regards to contributing to community safety through providing a high level of monitoring and supervision.

An electronic monitoring condition can be imposed for the whole period of parole, or part thereof.

In relation to the parole period for life sentenced prisoners, the Act currently provides terms to be set at not less than three years and not more than ten years.

The Bill seeks to change that provision to life on parole for life sentenced prisoners.

The Commissioner for Victims' Rights agrees with this amendment.

Varying parole periods exist in legislation for parole of life sentenced prisoners across the rest of Australia, ranging from six months through to the remainder of the parolee's natural life.

Amending the SA Act to provide life on parole as mandatory for life sentenced prisoners in this State will be consistent with some other States and Territories including the Northern Territory, Queensland and Tasmania. All of which have provisions for parole to be for the remainder of the offender's life. Similarly in ACT, a life sentenced prisoner may be released on a licence which is in place for the remainder of the offender's life.

It will provide comfort to victims, families and the community that 'life' will continue to mean 'life' in some capacity; the offender will not only be in custody for a long period of time but if they achieve release to parole, they will be subject to supervision and monitoring for the rest of their life.

Finally, the Bill contains transitional provisions indicating that the amendments do not apply to life sentenced prisoners who have already had a decision made about their release on parole by the Parole Board or the Governor in Executive Council.

An amendment is also included to the *Freedom of Information Act 1991* to include the Parole Administrative Review Commissioner as an exempt agency, consistent with current provisions for the Parole Board.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Correctional Services Act 1982*

4—Amendment of section 33—Prisoners' mail

This amendment is consequential.

5—Amendment of section 64—Reports by Board

This amendment is consequential.

6—Amendment of section 67—Release on parole by application to Board

Currently, the Board makes a recommendation to the Governor relating to the release on parole of a prisoner serving a life sentence. The amendments authorise the Board to grant parole to such prisoners and provide for the release to be on a day that falls after the period for seeking a review of the decision by the Parole Administrative Review Commissioner.

Provisions are also inserted into the section providing that the Board cannot release on parole a prisoner serving a sentence of life imprisonment for an offence of murder unless the Board is satisfied that the prisoner has satisfactorily cooperated in the investigation of the offence (and the Commissioner of Police may provide a report on the cooperation).

7—Amendment of section 68—Conditions of release on parole

Technical and consequential amendments are made. The insertion of new subsection (1aaa) requires the Board to consider imposing a condition on the release on parole of a prisoner serving a sentence of life imprisonment that the prisoner be monitored by use of an electronic device.

8—Amendment of section 69—Duration of parole

This amendment provides that a prisoner serving a sentence of life imprisonment who is released on parole after the commencement of this subsection will, unless the release is cancelled or suspended, or the sentence is extinguished, remain on parole for the remainder of the sentence

9—Repeal of section 70

Section 70 is repealed as a consequence of the amendment to section 69.

10—Amendment of section 71—Variation or revocation of parole conditions

The Attorney-General, the Commissioner of Police and the Commissioner for Victim's Rights are given a right to apply to the Board for a variation or revocation of conditions relating to parole for a person serving a sentence of life imprisonment. They are also given a right to put submissions on any variations or revocations to conditions proposed to be effected pursuant to an application of the person or on the Board's own motion. The other amendments to section 71 are consequential.

11—Insertion of Part 6 Division 4

New Division 4 of Part 6 is inserted:

Division 4—Review of release on parole of life prisoners

Subdivision 1—Preliminary

77A—Interpretation

Definitions for the purposes of the Division are inserted. A key definition is that of reviewable decision.

Subdivision 2—Parole Administrative Review Commissioner

77B—Appointment of Commissioner

Provision is made for the appointment of the Parole Administrative Review Commissioner.

77C—Acting Commissioner

An Acting Commissioner may be appointed.

77D—Staff

The Commissioner may make use of the staff of an administrative unit of the Public Service.

Subdivision 3—Reviews by Commissioner

77E—Right of review of Board decision to release life prisoners on parole etc

The Attorney-General, the Commissioner of Police and the Commissioner for Victim's Rights may apply for a review by the Commissioner of a reviewable decision. The nature of the review and the powers of the Commissioner on a review are set out.

77F—Effect of review proceedings on Board's decision

A decision of the Board to release a prisoner serving a life sentence on parole is stayed pending any review proceedings.

A prescribed reviewable decision (such as a decision to impose a particular condition on the parole of a life prisoner) is not automatically stayed, but the Commissioner may stay the operation of the decision if it is just and reasonable to do so.

77G—Proceedings to be heard in private

Proceedings for the review of a reviewable decision before the Commissioner must be heard in private.

77H—Board to assist Commissioner

The Board must use its best endeavours to assist the Commissioner in a review of its decision.

77I—Parties

The applicant and the Board are the parties to a review, and the other persons who have a right to apply for a review may also appear and be heard on a review.

77J—Compulsory conferences for prescribed reviewable decisions

The Commissioner must, as soon as is reasonably practicable after the commencement of proceedings for the review of a prescribed reviewable decision (such as a decision to impose a particular condition on the parole of a life prisoner), require the parties to the proceedings to attend a compulsory conference before the presiding member or deputy presiding member of the Board for the purpose of attempting to resolve the matters in dispute

77K—Powers and procedures of Commissioner

The Commissioner's powers and procedures on a review are set out.

77L—Commissioner to proceed expeditiously

Reviews are to be conducted as expeditiously as possible.

Subdivision 4—Other matters

77M—Immunity from liability

The Commissioner is given an immunity from liability.

77N—Privilege and public interest immunity not affected

The rules and principles relating to legal professional privilege and public interest immunity are not affected by a review.

77O—Confidentiality of information

Confidentiality of information relating to a review is protected.

77P—Proof of decision of Commissioner

An evidentiary provision is included relating to proving a decision of the Commissioner.

Schedule 1—Related amendment and transitional provision

Part 1—Related amendment to *Freedom of Information Act 1991*

1—Amendment to Schedule 2—Exempt agencies

Parole Administrative Review Commissioner is included as an exempt agency for the purposes of the *Freedom of Information Act 1991*.

Part 2—Transitional provision

2—Transitional provision

A transitional provision is set out for the purposes of the measure.

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

The PRESIDENT: A quorum not being present, ring the bells.

A quorum having been formed:

Parliamentary Procedure

STANDING ORDERS SUSPENSION

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) (17:00): I move:

That standing orders be so far suspended to enable the Clerk to deliver the message and Supply Bill to the Speaker of the House of Assembly whilst the council is not sitting, and notwithstanding the fact that the House of Assembly is not sitting.

Motion carried.

At 17:00 the council adjourned until Tuesday 30 June 2015 at 14:15.