

LEGISLATIVE COUNCIL**Tuesday, 30 June 2015**

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

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

*Bills***STATUTES AMENDMENT (BOARDS AND COMMITTEES - ABOLITION AND REFORM) BILL***Assent*

His Excellency the Governor assented to the bill.

SUPPLY BILL 2015*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Supplementary Report of the Auditor-General, on Health ICT Systems and the Camden Park Distribution Centre, June 2015
Report of the Independent Commissioner Against Corruption on the Evaluation of the Practices, Policies and Procedures of the Police Ombudsman

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

Regulations under the following Acts—

Associations Incorporation Act 1985—Fees
Bills of Sale Act 1886—Fees
Births, Deaths and Marriages Registration Act 1996—Fees
Burial and Cremation Act 2013—Fees
Community Titles Act 1996—Fees No. 2
Coroners Act 2003—Fees
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007—Fees
Criminal Law (Sentencing) Act 1988—Fees
Dangerous Substances Act 1979—
 Dangerous Goods Transport—Fees
 Fees
 Definition of Code
Development Act 1993—
 Fees
 Miscellaneous
Disability Services Act 1993—Fees
District Court Act 1991—Fees
Electoral Act 1985—Insertion of Regulations 18 to 24
Emergency Services Funding Act 1998—Remissions—Land
Employment Agents Registration Act 1993—Fees
Environment, Resources and Development Court Act 1993—Fees
Evidence Act 1919—Fees

- Expiation of Offences Act 1996—
 - Fees
 - Fees No. 2
- Explosives Act 1936—
 - Fees
 - Fireworks—Fees
 - Security Sensitive Substances—Fees
 - Security Sensitive Substance—Regulation 5
- Fair Work Act 1994—Fees
- Fees Regulation Act 1927—
 - Public Trustee Administration—Fees
 - Incidental SAAS Services—Fees
- Fire and Emergency Services Act 2005—Fees
- Firearms Act 1977—Fees
- Hydroponics Industry Control Act 2009—Fees
- Land Tax Act 1936—Fees
- Liquor Licensing Act 1997—Fees
- Magistrates Court Act 1991—Fees
- Mines and Works Inspection Act 1920—Fees
- Mining Act 1971—Fees
- Opal Mining Act 1995—Fees
- Partnership Act 1891—Fees
- Petroleum and Geothermal Energy Act 2000—Fees
- Petroleum Products Regulation Act 1995—Fees
- Police Act 1998—Fees
- Private Parking Areas Act 1986—Fees
- Public Corporations Act 1993—
 - Adelaide Convention Centre Corporation—Dissolution and Revocation
 - Adelaide Entertainments Corporation
- Public Trustee Act 1995 Fees
- Real Property Act 1886 Fees
- Registration of Deeds Act 1935 Fees
- Return to Work Act 2014—
 - Miscellaneous
 - Transitional Arrangements—General—Lump Sum Non-economic Loss
- Security and Investigation Industry Act 1995 Fees
- Sexual Reassignment Act 1988—Fees
- Sheriff's Act 1978—Fees
- South Australian Employment Tribunal Act 2014—Fees
- State Records Act 1997—Fees
- Strata Titles Act 1988—Fees Variation No. 2
- Summary Offences Act 1953—Weapons—Fees
- Supreme Court Act 1935—Fees
- Worker's Liens Act 1893—Fees
- Work Health and Safety Act 2012—Fees
- Youth Court Act 1993—Fees
- Rules of Court—
 - South Australian Employment Tribunal Act 2014—South Australian Employment Tribunal
 - Supreme Court—
 - Probate
 - Supplementary Probate

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

- Regulations under the following Acts—
 - Authorised Betting Operations Act 2000—Fees
 - Building Work Contractors Act 1995—Fees

Casino Act 1997—Voluntary—Pre-Commitment Code Variation
 Conveyancers Act 1994—Fees
 Gaming Machines Act 1992—Fees
 Land Agents Act 1994—Fees
 Land and Business (Sale and Conveyancing) Act 1994—Fees
 Lottery and Gaming Act 1936—Fees
 Plumbers, Gas Fitters and Electricians Act 1995—Fees
 Second-hand Vehicle Dealers Act 1995—Fees

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago) on behalf of the
 Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Regulations under the following Acts—

Adoption Act 1988—Fees
 Botanic Gardens and State Herbarium Act 1978—Fees
 Brands Act 1933—Fees
 Children's Protection Act 1993—Fees
 Controlled Substances Act 1984—Fees
 Crown Land Management Act 2009—Fees
 Environment Protection Act 1993—Fees
 Fisheries Management Act 2007—Fees No. 2
 Freedom of Information Act 1991—Fees
 Heritage Places Act 1993—Fees
 Historic Shipwrecks Act 1981—Fees
 Housing Improvement Act 1940—Fees
 Livestock Act 1997—Fees
 Marine Parks Act 2007—Fees
 National Parks and Wildlife Act—
 Hunting—Fees
 Protected Animals—Marine Mammals—Fees
 Wildlife—Fees
 Native Vegetation Act 1991—Fees
 Natural Resources Management Act 2004—
 Fees
 Financial Provisions—Fees
 Pastoral Land Management and Conservation Act 1989 Fees
 Primary Produce (Food Safety Schemes) Act 2004—
 Citrus Industry—Fees
 Egg—Fees
 Meat Industry—Fees
 Plant Products—Fees
 Seafood—Fees
 Public Sector Act 2009—Application of Commissioner's Determination
 Radiation Protection and Control Act 1982—Fees
 Retirement Villages Act 1987—Fees
 South Australian Public Health Act 2011—
 Fees
 Legionella—Fees
 Wastewater—Fees
 Wastewater Variation
 Tobacco Products Regulation Act 1997—Fees
 Water Industry Act 2012—Fees

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

Regulations under the following Acts—

Heavy Vehicle National Law (South Australia) Act 2013—
 Expiation Fee

Fees
 Local Government Act 1999—
 Fees
 Recovery of Amounts due to Council
 Motor Vehicles Act 1959—
 Accident Towing Roster Scheme—Fees
 Expiation Fees
 Miscellaneous Fees
 Miscellaneous
 Passenger Transport Act 1994—Fees
 Rail Safety National Law (South Australia) Act 2012—
 Fees
 Regulations 56 and 57
 Roads (Opening and Closing) Act 1991—Fees
 Road Traffic Act 1961—
 Expiation Fees
 Miscellaneous Fees
 Valuation of Land Act 1971—Fees

Parliamentary Committees

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The Hon. G.A. KANDELAARS (14:28): I bring up the report of the committee on its Annual Review into Public Integrity and the Independent Commissioner Against Corruption.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. G.A. KANDELAARS (14:28): I bring up the reports of the committee on the Natural Resources Management Board Levy Proposals 2015-16 for the Adelaide and Mount Lofty Ranges, Eyre Peninsula, Kangaroo Island, Northern and Yorke, and the South-East.

Report received.

Ministerial Statement

GILLMAN LAND SALE

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:30): I table a ministerial statement made by the Deputy Premier, John Rau, on the sale of state-owned land at Gillman.

BUILDING AND CONSTRUCTION INDUSTRY SECURITY OF PAYMENT ACT REVIEW

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:30): I table a ministerial statement made by the Treasurer, Mr Tom Koutsantonis, on the review of the Building and Construction Industry Security of Payment Act 2009.

Question Time

WORKREADY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the WorkReady program.

Leave granted.

The Hon. D.W. RIDGWAY: I refer again to the TAFE WorkReady website, which states the following:

WorkReady aims to ensure that public investment and training is aligned to strategic industry sectors and growth areas, such as agriculture, fishing, resources, construction, electrical and electronic engineering, childcare and aged care.

However, when you look further down the website you discover there is a selection of allocated training places within particular areas of training. They are: Diploma of Screen and Media, 120 places; Certificate II in Retail Make-up and Skin Care, 110 places; Diploma of Interior Design and Decoration, 100 places; Certificate III in Painting and Decorating, unlimited places; Certificate III in Retail Baking (Cake and Pastry), unlimited places; Certificate III in Watch and Clock Service and Repair, unlimited places; and, sadly, Certificate III in Agriculture, only 20 places. My question to the minister is: does she describe retail baking, watch and clock service repair, interior design and decoration and retail make-up and skin care as strategic industry sectors and growth areas, and more important than agriculture?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:35): I thank the honourable member for his most important question. Indeed, as our economy is changing we are faced with the winding back of our car manufacturing industry while new industries are emerging, and this requires us to refocus our investment by ensuring that we provide training and skills development and employment support to help people gain employment.

With WorkReady, we have made a number of significant changes that focus our efforts. In particular, we are very much focused on employment outcomes. These are important qualifications and competency skills and our priority is, as I said, to focus on employment outcomes for people. We are particularly focused on providing, or targeting public funds—taxpayers' hard-earned money—to those people who are currently unemployed to be trained and to assist them in finding employment. We've very much shifted the focus from upskilling—although there are still some upskilling components to WorkReady—but there has been a significant shift to those entry-level courses; the sorts of qualifications that people need for entry level into various occupations.

We spend a great deal of time consulting extensively with the industry. Across all, there were 900 subsidised areas on our training list. These have been consolidated to 700. We received over 1,500 submissions and, as I said, we liaised very closely with the industry to identify those competencies and those qualifications that were considered to be particularly the high emphasis on entry level to occupations; we focus very much on that.

As I said, there is still some upskilling, but basically the principles of WorkReady are that, if you are currently employed, already employed—and I'm not talking about retrenched workers but if you are already employed—and you wish to undertake training, gain further qualifications to gain a promotion and upskill in the occupation that you're currently in, what WorkReady says is the major benefit of that level of training shifts to the individual.

Often, with increased qualifications, they are then able to access increased remuneration. Of course, the other recipient of that is the employer who gains higher levels of skilled workers in the workforce. We say that in light of that, as upskilling occurs, there needs to be a greater level of co-investment from both the employer, industry and the individual. As I said, the list was put together after extensive consultation with the industry.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: As I said, extensive consultation. There is a wide range of industries that require competencies and skills. As I said, we consulted extensively and we were able to gain insight into where we needed to focus those efforts. As I said to the industry at the time, we have worked through this, and TASC has assisted us to undertake those activities.

We said to the industry at the time that we have put together the best fit based on the information that we have received across all sectors, that we accept that we still may not have got it completely right and that we were very pleased to continue to liaise with sectors and make

modifications where need be. I understand there have already been a couple of areas that have been identified as being overlooked and they have been added back in.

In relation to agriculture, food and fisheries and aquaculture, these are very important sectors to us. The government funding in the VET sector will adequately support industry demand. We don't just make these things up. We look at these things very carefully. We believe that they will adequately support the industry demand for skilled workers in key agriculture, food and fishery occupations.

I have given these figures in this place before. The modelling undertaken by TASC said that the demand for skilled workers in these areas requires the completion of 2,500 to 5,000 relevant VET courses over five years between 2017 and 2018 or between 500 and 1,000 completions per year. Taking into account modelling done by TASC, the current take-up rates—

Members interjecting:

The Hon. G.E. GAGO: If they stop interjecting, sir, I will be able to get to the end of my answer. We are on target to ensure that the industry demand for skilled workers in key agriculture, food and fishery occupations is met over the next five years. We keep monitoring these things year by year and we make any adjustments as the sector might need them.

WORKREADY

The Hon. J.M.A. LENSINK (14:42): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about WorkReady.

The Hon. J.M.A. LENSINK: The minister has claimed both in the public domain and private meetings that in arriving at the WorkReady model there was extensive industry and RTO consultation relating to WorkReady funding allocations. My question for the minister is: can she provide the names of specific organisations, the representatives of each and the respective date that she met with RTOs and consulted them on funding relating to training in broadacre agriculture?

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) (14:43): As I have said in this place before, we undertook extensive consultation with—

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

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: It's hysterical. As I said, extensive consultation took place, not only in terms of a series of meetings with major stakeholders, including major industry representatives and associations, but also, we invited submissions and received over 1,500 submissions. I can list all of those if the honourable member really wants but I think that's—

The Hon. J.M.A. Lensink: Yes, please.

The Hon. G.E. GAGO: I'm not happy to waste the time of my officials, but I will take that on notice and I will bring back the comprehensive list of the participants who contributed to that consultation in terms of providing us with submissions and also a list of the meetings that were had.

As I said, it was a comprehensive consultation. We had a subsidised training list of around 900. Feedback from the industry was quite clear that they believed it was far too many and it complicated the way we approach subsidised training. They indicated that there were many who were completely outdated and out of mode. Really, it was the industry who requested that that task be undertaken. So, we listened to the industry and, as I said, undertook a comprehensive industry consultation session that enabled us to arrive at the current subsidised training list.

I have said in this place many times, and in public, that we've indicated the best fit possible from that extensive dialogue, but we will continue to listen to the industry. TASC will continue its dialogue. I have asked them to continue to engage with key industry stakeholders to ensure that we have that list right and to make any further changes that might be needed. So, it is a piece of work that is in progress and will remain in progress to ensure that we have the most up-to-date and industry relevant focus on subsidised training as possible.

WORKREADY

The Hon. T.J. STEPHENS (14:46): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about WorkReady.

Leave granted.

The Hon. T.J. STEPHENS: The technology for broadacre agriculture is rapidly advancing, as are the costs and safety risks to each business. Visiting a modern farm, it would not be unusual to see a front-end loader, a tractor, chemical application equipment, telehandlers, harvesters and silos that require working at heights and in enclosed confined working spaces. So, these days the skills required to work safely and efficiently on a farm are incredibly sophisticated.

My question is: is the minister comfortable with her decision to cancel funding for regional training places in broadacre agriculture, thus making training in these sophisticated skills inaccessible for many farmers and potentially leading to workplace accidents?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:47): I thank the honourable member for his most important question. In fact, I have already provided an answer to this today, certainly in relation to other information I have put on the record. As I have said, agriculture is an extremely important area for this government.

As I have indicated here, we undertook extensive modelling, which TASC did for us, and according to that modelling it found that demand for skilled workers in key agriculture, food and fisheries occupations, as I said, requires the completion of 2,500 to 5,000 relevant VET courses over the next five years (that is actually 2017-18) or between 500 and 1,000 completions a year.

So, taking into account modelling by the Training and Skills Commission, current take-up rates and completions, we are in fact on target to ensure that the industry demand for skilled workers in these key areas is going to be met over the five years to 2017-18. Since the 1 July 2012 commencement of Skills for All, 5,200 qualifications have been issued for these courses, or approximately 1,700 per year, in publicly subsidised training alone. In addition, there are currently 8,500 training accounts open, with students undertaking training in these areas.

For the relevant agriculture, food and fisheries VET courses which are undertaken through training contracts in the second half of 2015, there is an unlimited number of subsidised training places for that trade-related training. I stress again: for relevant agriculture, food and fisheries VET courses which are undertaken through training contracts, in the second part of 2015 there is an unlimited number of subsidised training places for trade-related training. These can be undertaken through either TAFE or non-TAFE providers. As I said, they are unlimited.

For courses outside the on-demand training courses for 2015-16, it is estimated that the government will subsidise at least 2,000 new subsidised training places for VET courses that support the agriculture, food and fisheries sector, and the majority of these, as we know, will go to TAFE SA. For non-TAFE SA providers, additional training places may be available through the Jobs First employment program, in particular, and that is a submission-based element of WorkReady that will fund training courses and tailor employment projects where there is a direct connection to jobs.

As I have said in this place, we do our modelling very carefully. The supply and demand is clearly important to us, and we monitor this to make sure that we are able to anticipate the labour force needs immediately and into the future, plan our subsidised training activities and focus on those activities accordingly. We believe we have done this very carefully with the assistance of TASC. As I have indicated, we continue to monitor this, we continue to check and recheck with industry to make sure that we have it right and, if there are any unplanned outcomes or unanticipated outcomes, we can be prepared for that and make adjustments accordingly.

WORKREADY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:52): The minister said that they are constantly monitoring and updating their approach and assessment of what training places are

there. How regularly is this monitoring done? How quickly will the government realise that it has made a mistake and adjust the programs?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:52): As I have already indicated in this place, I have requested that TASC continue to scrutinise the subsidised training list and check that we have got it right and also make any further adjustments we might need to in the foreseeable future.

DOMESTIC VIOLENCE COURT ASSISTANCE SERVICE

The Hon. T.T. NGO (14:53): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about how the state government is further supporting women who are victims of domestic violence.

Leave granted.

The Hon. T.T. NGO: Thousands of women each year are seeking protection from violent abusers, and I am told that about 4,000 protection orders have been granted by the South Australian magistrates courts this financial year alone. The court assistance service delivers on the state government's commitment made in response to the Coroner's finding in the Zahra Abrahimzadeh case. My question is: will the minister tell the chamber about the introduction of the new Domestic Violence Court Assistance Service?

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) (14:54): I thank the honourable member for his most important question. Yesterday, I was very pleased to announce and launch the Victim Support Service, which is a not-for-profit organisation, and they will be the service that delivers the government's new Domestic Violence Court Assistance Service. This will mean that victims of domestic violence will be able to access additional assistance with matters like intervention orders, breaches, other complaints and a range of other legal matters.

Women who are victims of domestic violence are in an extremely vulnerable situation and, of course, it is common to find that they find the legal system and court proceedings quite complex and difficult to navigate. It can also be extremely intimidating, so it is important that they are given assistance with this and that they remain confident in the way that they access services. This new, free confidential service will ensure that they are assisted to navigate the complexities of the legal system and also ensure that they are adequately represented.

The service will employ legal officers with specialist knowledge to provide support and advocacy on behalf of women who have difficulties applying for intervention orders and, as I said, things like reporting breaches or raising safety concerns. Supporting victims of domestic violence in this way will also, I believe, help increase their confidence to take action in order to protect their safety and welfare.

The team of lawyers will provide a range of service options, including individual assessments, provision of information and specialist advice, representation where appropriate, and tailored pathway plans. The Victim Support Service will also facilitate access to pro bono advice and representation for women who may require it, so there is additional capacity building and leveraging there which we are really delighted about. The Victim Support Service is a wonderful organisation and we are very pleased at the way that it has been able to put this service package together.

Additionally, as well as providing direct services to women, the service will provide education and resources on things like intervention orders across the DV sector in South Australia, thus increasing its capacity to advocate for women in these sorts of matters. It will be a very important resource right across the sector.

The Victim Support Service has the expertise to take on this new service, as it is constantly in contact with women who have been devastated by domestic violence and assists women and children to recover through its existing counselling and court support services. This new Domestic Violence Court Assistance Service will enable it to provide another layer of support to these women,

increasing their support, safety and wellbeing and ensuring intervention orders are appropriate and effective.

The domestic violence court assistance scheme is delivering on the state's commitments made in response to the Coroner's finding in the Zahra Abrahimzadeh case, 'Taking a stand'. Other policy commitments made as part of this response are also well on the way to being implemented.

The domestic violence response review system was introduced in January 2015. It provides a circuit breaker in instances where a domestic violence service provider does not believe the most appropriate response to their client's situation has been received. It is designed to increase accountability and provide an escalation point where there have been process flaws or gaps in the response of government agencies to domestic violence.

The Office for Women is leading the implementation of this system, and it is being introduced using a staged approach. We are currently in the early stages of this. The other commitment made was that all South Australian government departments would obtain a White Ribbon workplace accreditation and build on the existing DV workplace policies in all government departments.

The government will also work with the private sector to encourage similar initiatives in private workplaces. The EO Commission of South Australia is leading this work, and that process of accreditation has already begun. The Domestic Violence Court Assistance Service is an important way to provide support to women who are victims of domestic violence. From 1 July, women can access the service from anywhere in South Australia using a free telephone number.

DOMESTIC VIOLENCE COURT ASSISTANCE SERVICE

The Hon. J.S.L. DAWKINS (14:59): Supplementary question: I would appreciate it if the minister could indicate what support is provided by the domestic violence victim support services for victims of domestic violence and sexual assault who are suffering from mental illness or who may be prone to suicidal thoughts or self-harming actions.

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) (15:00): Indeed, this is a team of highly specialised legal staff who are very skilled at working at these matters and I am confident that, if there are issues pertaining to mental health, other health, or substance abuse, they will be referred to the appropriate services.

AUTOMOTIVE INDUSTRY

The Hon. R.L. BROKENSHIRE (15:00): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question regarding the motor industry.

Leave granted.

The Hon. R.L. BROKENSHIRE: The new minister has shown that he may be one of the best ministers in this government, but he is slipping into—

The Hon. R.I. LUCAS: Point of order: misleading the house!

The PRESIDENT: I am very tempted to actually uphold that, but, the Hon. Mr Brokenshire, continue.

The Hon. R.L. BROKENSHIRE: He is rapidly slipping into the spin and rhetoric of other ministers. Therefore, I ask the minister: based on the fact that whether it was the previous Australian managing director of GMH or whether it was a generational Ford dealer from the Mid North that recently told me that Ford had intended to leave Australia five years ago, and given the fact that it was this minister's government that was at the helm when Mitsubishi left Tonsley Park, can the minister stop the spin and give the scientific evidence to this parliament as to why he continues to say that it is the Abbott government's fault that GMH have left South Australia?

I have been trying to examine the facts behind this and the evidence points to the fact that they were leaving no matter who was in government and that one of the problems in South Australia was the high cost of doing business. Does the minister therefore agree that those motor industry companies were leaving Australia in any case, possibly planned five years ago, and does he also

agree that part of the reason why they accelerated their decision for GMH to leave Elizabeth in South Australia was the high cost of water, high cost of utilities, and the high cost of doing business in South Australia, which made them uncompetitive? What are the true answers?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:02): I thank the honourable member for his important question. It is a very brave question from a very brave member who introduced the emergency services levy to South Australia. That was brave as well. I just don't accept really anything that the honourable member said.

The Hon. S.G. Wade: It was a question, actually.

The Hon. K.J. MAHER: Well, if what he said is complete rubbish, then it follows that the question is nonsensical. The fact of the matter was there was an agreement between Holden and the then Labor government to stay in Australia producing cars in return for a level of support. When the new government was elected, it was apparent that support would not be met, and the day after the Treasurer dared Holden to leave the country, Holden left the country. They are the facts.

AUTOMOTIVE INDUSTRY

The Hon. R.L. BROKENSHIRE (15:03): Supplementary: can the minister table the evidence that the former Labor government had a commitment for GMH to stay here, and what scientific evidence does he have that the Abbott government is at fault—

An honourable member: Scientific?

The Hon. R.L. BROKENSHIRE: Scientific and/or other evidence—factual evidence—that the Abbott government is the sole reason why GMH are leaving Australia?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:04): I am happy to spend some time with the honourable member and properly educate him on these matters.

NORTHERN ECONOMIC PLAN

The Hon. J.M. GAZZOLA (15:04): My question is also to the Minister for Manufacturing and Innovation. How does the 2015-16 South Australian budget encourage investment and growth in the northern suburbs?

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 very important and sensible question, which follows on from the last question. As members are aware, in the government's budget last week there was a range of measures and announcements to support the northern suburbs. The budget will support industries that are growing in South Australia, particularly in Adelaide's north.

The government's northern economic plan has a strategy and specific actions that are needed to support the transformation of industry in our northern suburbs. The northern economic plan will identify short-term projects to provide immediate jobs for Adelaide's north, and it will also identify the industries that are growing and those that will provide jobs for the future in the northern suburbs. It will importantly also identify the skills and training required for workers to move to these growing industries.

We will continue to work very closely with local councils, business, industry and communities. I commend the cities of Playford, Salisbury and Port Adelaide Enfield for their cooperation with the development of the plan thus far, and the input from those mayors and chief executives has been valuable in progressing the plan's development. It has been a highly positive working relationship so far and I look forward to continuing working with them.

It has been clear that everyone involved has had at their focus the best interests of the northern suburbs as we go forward dealing with the challenges and pressure as the automotive industry winds down. This budget provides for a manufacturing technology centre to be established in northern Adelaide. This centre will provide a physical location for businesses in the manufacturing sector to access support programs.

The state government is investing in infrastructure in the north. The state government is investing \$10 million over three years to upgrade schools and children's centres across the north. The Fremont-Elizabeth City High School, the Swallowcliffe School, and Keithcot Farm Children's Centre will all receive substantial upgrades. In addition to providing an education boost for the north, these upgrades will stimulate construction and jobs.

Last week in the budget the Treasurer also announced a massive investment in social housing, with \$65 million for the renovation, upgrading and rebuilding of Housing Trust homes, and \$25 million of this money has been specifically allocated to the northern suburbs. Again, in addition to providing an improved standard of living for South Australians who need support, it will create jobs to undertake this work. Both the renovations to schools and public housing will require local building companies and a whole range of tradies to undertake the work. These measures will deliver great outcomes for the community while creating local jobs.

Over the last 17 years, food manufacturing has grown every single year. That is 17 straight years of growth, and there are not many industries that can boast that level of growth. The state government is supporting this growing industry with targeted investment. The budget allocated \$2 million to the development of a food park in the northern suburbs. There is an enormous potential to create jobs in South Australia by producing and exporting very high quality food and beverage from Australia into our export markets, particularly our near neighbours in Asia.

This initiative will bring together a range of manufacturing, packaging, distribution and transport companies to come together in a single location. The food park will allow manufacturing businesses to access shared infrastructure. This will improve the productivity and competitiveness of our food manufacturing sector, leading to more jobs. The government will shortly assess land options, which will allow more detailed planning for this project to be undertaken.

The population of Adelaide's northern suburbs is growing at almost twice the rate of the rest of the state, and projections indicate that this growth can be expected to continue. In order to support this growth, the South Australian government will create new road infrastructure in Gawler East that will seek to unlock \$1 billion of investment and allow the building of an additional 3,000 homes. Over the life of this new project, it is estimated that there will be an additional 6,000 new jobs created. In addition to creating new jobs, the government has undertaken a raft of measures to make it easier for existing businesses to grow and to employ more people.

The budget provided for almost \$670 million in tax reductions over the next four years which will give a boost to business across our state. The government has abolished stamp duty on non-real property transfers, and introduced a phased removal of stamp duty on non-residential property transfers. We have abolished the Save the River Murray Levy, saving businesses \$182 on average and also saving most households \$40. We have extended the temporary payroll tax rebate for 12 months. This will save small businesses up to \$9,800 each.

Some of these changes will help companies in the automotive sector that are looking to restructure, expand and diversify. If a company wants to purchase another company to allow diversification and to compete in a new industry, and if that purchase was to contain non-residential property assets of about \$1.7 million, then the company will be able to save over \$87,000 in stamp duty once the government's tax changes have been fully implemented. It is fair to say that many of these measures in the budget have been welcomed by many sectors of the South Australian business community.

The Hon. R.L. Brokenshire: Name them.

The Hon. K.J. MAHER: Ah, I might read out some. Daniel Gannon would be familiar to many people in this chamber. For example, Daniel Gannon said:

The state needs to be commended for taking an axe to one of the biggest dead weight taxes in South Australia.

And, Daniel Gannon said:

Stamp duty abolition on non-residential properties is a major green light for investment.

Earlier today even I was reading more from Daniel Gannon about just how good this budget is. That is to name just one of them. This budget delivers for northern suburbs businesses, and it delivers for northern suburbs families, both for the immediate and long-term future.

EMPLOYMENT FIGURES

The Hon. R.I. LUCAS (15:11): My question is to the Leader of the Government. Given the government's claims that the budget just introduced is a jobs budget, can the minister please explain why the government's own budget forecasts for employment growth for next year, 2015-16, is at only 1 per cent, which is the lowest employment growth forecast of all the mainland states in 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) (15:11): I thank the honourable member for his important question. The 2015-16 state budget shows that the state government is forecasting a return to surplus, while delivering a \$985 million stimulus package, including major tax reforms and targeted investments in growth industries to boost the economy and create jobs.

The slowdown in the Australian economy and the collapse in commodity prices, the withdrawal of the federal government's support for our automotive industry and our naval shipbuilding industries and the \$1.4 billion in federal government cuts to health and education over the next four years are all threatening South Australian jobs. That is why our forecast for employment is at the level that it is.

The Hon. D.W. Ridgway: I never thought I'd hear you parroting Koutsantonis's rubbish.

The PRESIDENT: Honourable member, you do not refer to a member of the other place by their last name.

The Hon. G.E. GAGO: That is why this South Australian government needs to forge its own future, by creating a state tax system that rewards effort and removes barriers for businesses wanting to invest, to grow and create careers for South Australians.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: We have reduced government expenditure gradually and carefully, without impacting on the delivery of quality health and education, and that is why the state government is putting the long-term interest of the whole state first. We are creating a state tax system that will attract business to South Australia and reduce costs to business and, as I said, that is to encourage investment in our economy and to grow and create jobs. We believe it will provide lasting improvement to the South Australian economy and also encourage new businesses to grow and new careers for this state.

Of course, that is in addition to the \$670 million in tax reductions that will be provided over the next four years. These tax changes will return almost \$2.5 billion to businesses and the community, and that is in addition to the reforms we have made to WorkCover that have helped to reduce business costs to the tune of about \$180 million per annum. So, overall, our \$985 million stimulus package is about helping to encourage investment and stimulate growth and, in particular, jobs.

INVASIVE IMAGE DISTRIBUTION

The Hon. T.A. FRANKS (15:15): I seek leave to make a brief explanation before addressing a question to the Minister for the Status of Women on the topic of invasive image distribution of Adelaide's women and girls.

Leave granted.

The Hon. T.A. FRANKS: The minister would be well aware that in recent weeks there has been media about a US website that has posted nude and illicit images of more than 400 South Australian women and girls. I note that in the other place, it was advised to the House of Assembly by the Attorney that some of this activity may be covered by the Summary Offences (Filming Offences) Amendment Act, which was passed in 2013. The act of distributing an invasive image

without the consent of the person in the image is, indeed, illegal in South Australia—the penalty being up to \$10,000 in fines or two years' imprisonment. From the news reports, it does seem that these images would fall under the provisions of that act.

I ask the Minister for the Status of Women: what advice has her department (or this government) given to those women and girls who have found themselves able to have their images downloaded from this website either directly, or what advice has she given women and girls in general, about the actions that they may be possibly able to take against these perpetrators?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:16): I thank the honourable member for her most important question and her ongoing interest in this particular policy area. Indeed, as information technology burgeons it creates all sorts of new and wonderful things for us and helps us improve the way we work and also the way we socialise. However, there are untoward impacts of this, and most unfortunately we saw recently on 17 June an article that was published by *The Advertiser* which revealed that a US website was posting nude and revealing photos of more than 400 women from South Australia without their permission.

The moderators of the US website, I am advised, are refusing to take down the photos as they don't recognise South Australian laws regarding that matter, and victims' requests, I understand, to have the photos taken down have also been ignored, although I think there has been some movement, no doubt, because of public pressure.

I am advised that SAPOL's commercial and electronic crime branch and special crimes investigation branch are investigating the matter, having received some reports on the issue from members of the public—that's the police; I haven't, or to the best of my knowledge I haven't, not from individual members of the public involved in this, at least.

Police are attempting to identify further victims to provide them support and links to services and are working with authorities to close the site down. I am just advised that as there is an ongoing investigation, I obviously can't say a great deal but I would encourage women with complaints to contact SAPOL and to feed into that system of investigation that has been undertaken.

INVASIVE IMAGE DISTRIBUTION

The Hon. T.A. FRANKS (15:18): Supplementary: given that the names of the women and girls on this website are listed on those downloadable files, have they been contacted by any authorities in South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:19): Not that I'm aware of.

BUILDING AND CONSTRUCTION INDUSTRY

The Hon. J.S. LEE (15:19): I seek leave to make a brief explanation before asking the Minister for Businesses Services and Consumers a question about the building and construction industry.

Leave granted.

The Hon. J.S. LEE: It was reported by the Master Builders Association that the collapse of builder Tagara is a sign that the industry is in turmoil. Tagara is abandoning \$70 million worth of projects and, from last week, had tradesmen walking off the job after failing to get payment guarantees. It is believed subcontractors are owed between \$15 million and \$20 million. Master Builders Association chief, John Stokes, says construction work in the commercial building industry was down 23 per cent from five years ago. He stated that the industry is pretty much in crisis and, unfortunately, what has happened in the Tagara case is one of the sorts of snapshots of what can happen when the building industry is in crisis and perhaps is not getting the support it needs.

At last Friday's inaugural state conference of the Civil Contractors Federation, the Chief Executive Officer Phil Sutherland called on governments to do more to support the building industry

through the current economic emergency. Mr Sutherland said that, 'The industry is really struggling right across the construction sector,' and 'We would anticipate there will be more business failures.' My questions to the minister are:

1. What measures will the government put in place to safeguard the building and construction industry that is in turmoil?
2. With so many subcontractors being owed lots of money, with no payment guarantees, what legislative reform will the government introduce to protect small to medium size subcontractors?
3. Can the minister outline the full impact on jobs and business failures in the industry?

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) (15:21): I thank the honourable member for her most important question. Indeed, the state of our building and construction industry is something that we watch very carefully and look to constantly, and that is why this government has invested so much in infrastructure development.

You don't have to look very far to see our new SAHMRI building, our new Adelaide Oval and our Royal Adelaide Hospital that is yet to be completed. We have master plans for the Riverbank Precinct and a master plan for Port Adelaide. We are a government that invests in and encourages investment in infrastructure development, and we know that leads to building and construction jobs.

In 2014-15 our Major Developments Directory, released by the Premier last December, lists 326 projects, including 88 new projects either underway or in the investment pipeline worth around \$94.6 billion. Independent modelling by the SA Centre for Economic Studies estimates that the number of direct and indirect jobs from 84 of these new projects would peak at 10,400 jobs in 2015-16.

Also, in our recently announced budget, we have outlined the way this government goes about assisting business because, often, many of these building and construction firms are smaller to medium size businesses. In the past, we have supported growth and investment through payroll tax concessions, reformed WorkCover (estimated at \$180 million savings to businesses), helped to build a skilled workforce and provided more help for businesses to win government work through initiatives such as Tender Ready in collaboration with Business SA.

We have also put together a new private sector development coordinator role for the chief executive of the Department of the Premier and Cabinet to assist lodged projects valued at over \$3 million to clear bureaucratic hurdles and, also, we have established a new, simpler regulation unit to work with industries to remove or improve regulations so that businesses can better support jobs growth.

Of course, in our recently announced budget, we announced a wide range of stimulus packages of \$985 million over four years. Of course, at the centre of that is major tax reform. This will help business as well. Key changes include abolishing share duty, abolishing stamp duty on non-real property transfers, abolishing stamp duty on non-residential property transfers, abolishing stamp duty on genuine corporate reconstructions, not to mention abolishing the Save the River Murray levy and, of course, extending the small business payroll tax rebate to 2015-16, and no new state taxes, with the state government ruling out the broad-based land tax on the family home. So, you can see there are a raft of measures that we have put in place to assist the building and construction industry in particular, but also businesses generally in this state.

COUNTRY WOMEN'S ASSOCIATION

The Hon. G.A. KANDELAARS (15:25): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the impact of women in regional South Australia.

Leave granted.

The Hon. G.A. KANDELAARS: We know the contribution women make to regional Australia is not simply measured statistically. Can the minister update the chamber on the important anniversary being celebrated this year by the Country Women's Association 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) (15:26): I thank the honourable member for his most important question. The South Australian branch of the Country Women's Association (the CWA) is celebrating the 85th anniversary of its establishment. The CWA has been a part of South Australia's community since 1929. The SACWA is a not-for-profit organisation made up of volunteers who work to promote the welfare of women and children in both the city and the country. There are currently approximately 2,500 members in South Australia and the current president suggests that numbers continue to grow. This year is also the 70th anniversary of the CWA in Australia, but the South Australian CWA was established first.

Over the years, the CWA has become synonymous with wonderful baking and fabulous award winning scones; however, the CWA has also been an intrinsic part of rural and regional South Australia for the last 85 years. I am very pleased to note that young women are also continuing the traditions of the CWA in friendship, support and community service. The local branches provide an opportunity for women to socialise with women and families in their local community as well as to assist women and children through community service. The members of the SACWA have often assisted and supported communities affected by natural disasters, such as fire and drought. The South Australian CWA provides assistance to families in need through the SACWA Emergency Aid Fund and also provides grants to rural students to continue their studies through the Dorothy Dolling Memorial Trust.

The local branches hold community workshops on everything from baking to cyber safety and are continuing a long history of supporting women's education through these workshops. The SACWA also maintains accommodation for people supporting a family member in hospital, for students and for use as holiday homes. I am very proud to belong to a government that is committed to regional South Australian women and recognising the contributions they make.

In September of last year, I had the pleasure of launching the agribusiness sector Women Influencing Agribusiness and Regions Strategy. The strategy has been developed through a partnership between women in industry, community and Primary Industries and Regions SA (PIRSA) and raises awareness of the important role women play in agribusiness and our regions. It provides encouragement for women to think about entering a career in agriculture as well—

The Hon. K.L. VINCENT: Point of order: I may not agree with what you say, but I defend your right to say it. I cannot hear the minister.

The PRESIDENT: Minister.

The Hon. G.E. GAGO: Thank you, sir. Would you like me to start again? No, perhaps not. The strategy has been—

The Hon. D.W. Ridgway: Could the minister speak into the microphone?

The Hon. G.E. GAGO: If they stopped interjecting, sir, I am sure the Hon. Kelly Vincent would be able to hear me. The strategy has been developed through a partnership between women in industry, community and primary industries and raises awareness of the important role women play in agribusiness and also our regions.

It provides encouragement for women to think about entering a career in agriculture as well as ensuring that women already in the industry have an opportunity to develop. Having a strategy that coordinates programs in skills training is incredibly important to enable women to make educated choices regarding their career and what a career in South Australia's agriculture industry can offer them. I want to thank the CWA for their 85 years of supporting the women and children of South Australia, and I hope for a successful and enduring future for the CWA in South Australia.

COUNTRY WOMEN'S ASSOCIATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:30): Has the minister sought advice from the CWA on the number of training places that great organisation would like to see in rural and regional South Australia to support our agriculture industry?

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) (15:30): I thank the honourable member for his supplementary. I am not aware that I have received anything from the CWA, but I will check. I am not aware that the CWA has raised any concerns with me but, as I said, I will check.

RIVERLAND DOMESTIC VIOLENCE SERVICES

The Hon. K.L. VINCENT (15:30): I seek leave to make a brief explanation before asking the Minister for the Status of Women questions about domestic violence services in the Riverland.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention that domestic violence in the Riverland has dramatically increased recently, apparently as the result of the use of crystal methamphetamine or ice. I have been told anecdotally that domestic violence services in metropolitan areas have instructed their staff not to take on more than 15 clients at any one time. In Riverland areas, however, staff have between 40 and 60 clients, in addition to referring many clients to other services. I have concerns for the wellbeing of their staff, who are experiencing pressure in their roles, and also obvious concerns for clients who are not receiving adequate attention and support due to the exhaustion of the Riverland services.

Despite the recent success of the six-week disability-specific program run in the Riverland aimed at women with disability who were experiencing domestic violence, this program, I understand, will not be run again due to a lack of funding. It is my belief that education, awareness and community engagement are fundamental in terms of preventive measures for domestic violence, and yet most services are currently aimed at post-incident management of domestic violence. My questions are:

1. Does the minister acknowledge a heightened need for domestic violence services in the Riverland?
2. Does the minister intend to support Riverland services in achieving similar staff to client ratios to those of metropolitan services?
3. Does the minister acknowledge that women experiencing domestic violence, and the staff and service providers supporting them, face additional challenges in regional and remote areas?
4. Is the minister aware that women with disability are at least twice as likely to experience domestic violence? What measures are in place to support the decline of this brutal statistic?
5. Is the minister aware that women with a disability can find it more difficult to escape violence, since they may depend on the abuser for personal care support or financial support?
6. Is the minister aware that women with disability face additional challenges in accessing domestic violence supports due either to physical barriers with entry to shelters or a lack of awareness of supports available due to social isolation or illiteracy?
7. How does the minister intend to support domestic violence services so that they can implement more preventive measures?

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) (15:33): I thank the honourable member for her many questions on domestic violence. Indeed, she has raised many issues that would take me a considerable time to do justice to, given that they are quite lengthy and quite complex.

There are many services that we provide to assist all women in South Australia who are at risk of domestic violence, as well as, of course, early intervention and prevention programs that

provide assistance to the particular groups the honourable member has referred to—women in country areas and also women with disability.

Very briefly, for instance, we have rolled out the Family Safety Framework right around South Australia now. This is a framework that seeks to ensure that services to families most at risk are dealt with in a highly structured and systematic way through agencies sharing information about high-risk families and taking responsibility for supporting these families to navigate those service systems.

That includes women with disabilities as well. We have placed a senior domestic violence research officer into the Coroner's Court who helps review cases and looks at particularly systemic issues within our agencies to ensure that we are responding to enhance the way we provide services and provide protection to those at risk.

We have violence against women collaborations, which provide an opportunity for the development of local regional prevention strategies in response to women experiencing rape and sexual assault, domestic and family violence and homelessness due to violence. Those collaborations are particularly effective in country areas. We have, as I just announced, the Women's Domestic Violence Court Assistance Service. That is a free telephone service where advice and assistance can be provided to women all around South Australia, including those with a disability.

We have an early warning system that is attached to our MAPS agency. The state government has introduced an early warning system, which will help provide a circuit breaker in instances where a domestic violence service provider does not believe the most appropriate response to their client's situation has been received. It is designed to increase accountability and provide an escalation point where gaps or flaws have occurred.

I have talked already today about the White Ribbon accreditation across all our agencies. I have also talked at length in this place about the implementation of intervention orders and other services in South Australia that complement this work, such as crisis response, ongoing counselling, medical services, accommodation services and a wide range of support services to women.

Bills

JUDICIAL CONDUCT COMMISSIONER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 June 2015.)

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:37): I wish to thank members for their contributions on this bill. I thank the Hon. Mr McLachlan for his contribution and his indication of support on behalf of the opposition. As the honourable member has pointed out, this is a significant reform and one which adds to transparency, openness and accountability in the judicial process. I am grateful to him for his summary of the main points of the bill, and I understand that in committee there might be an amendment that is being foreshadowed, but having said that, I commend the bill to this council.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

LOCAL GOVERNMENT (GAWLER PARK LANDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 June 2015.)

The Hon. J.S.L. DAWKINS (15:41): At the outset of my contribution on behalf of Liberal members on the Local Government (Gawler Park Lands) Amendment Bill currently before this place, I indicate that the opposition supports the bill and wishes to see it passed expeditiously through the upper house. The opposition received a briefing from the government on this bill on 25 March this year. As the advice was that the bill was in fact a hybrid bill, the select committee process—something I will touch on later in my contribution—was completed in the other house and no submissions were received. I commend the honourable members for Goyder and Schubert for their contributions to that process on behalf of the opposition and certainly I will talk a bit more about the select committee process later on.

This bill seeks to discharge a trust established in 1864 to convey 134 acres of parklands surrounding the original historic township of Gawler to the corporation of the Town of Gawler. For the benefit of the council, the trust itself was established as a charitable trust for the purposes of maintaining a public park, parklands and/or public cemetery for the benefit of the whole community. For those who are not aware of the geography of Gawler, the majority of this land does abut the riverine area of Gawler and certainly areas that are in great proximity to both the North Para and South Para rivers and the point at which they come together to form the Gawler River.

Now that over a century and a half has passed since the inception of this original trust, the land covered by the trust has been developed to include parklands and sports fields but now also includes a number of licences granted by the council for recreation and community facilities such as showgrounds, bowling greens, swimming pools, clubhouses and the greyhound racing track. While these licences have been executed in compliance with the Local Government Act 1999, there appear to be some inconsistencies between these activities and the objectives of the century-and-a-half-old charitable trust which controls them. These inconsistencies have caused difficulties for the Town of Gawler, and at their behest the government is now seeking through this bill to discharge the current trust and declare the applicable space as community land under the Local Government Act 1999.

It is worth noting that, whilst this bill is a short one, there is an important provision contained within it that will ensure that no transactions entered into by the Corporation of the Town of Gawler regarding the land covered by the trust and prior to the enactment of this bill will be invalid due to reasons of a breach of the original trust. This will ensure all current agreements held by the council and executed properly will not be affected due to past uses that were inconsistent with the charitable trust.

Finally, the bill amends schedule 8 of the Local Government Act 1999 to classify the area covered by the trust, namely the Gawler Park Lands and Pioneer Park, as community land and ensures that that classification is irrevocable. This will ensure the original purpose for the land and the charitable trust is continued, but grants the Town of Gawler the flexibility to offer a wider range of leases and licences over the land. It also prevents the council from selling the land once the trust has been discharged.

Since the commencement of this process almost three years ago, the occupants of the roles of chief executive officer and mayor of the Town of Gawler have changed. To ensure the current council's position remains steadfast, the member for Goyder, in another place, wrote to the council to seek its feedback before proceeding with the bill. I thought it would be of interest to honourable members to place on the record the response the opposition received from Her Worship the Mayor of the Town of Gawler, Ms Karen Redman:

Thank you for your correspondence dated 25 March 2015 relating to the Local Government (Gawler Park Lands) Amendment Bill 2015. The Gawler Park Lands consist of approximately 130 acres within the township of Gawler. The parklands were transferred to the Corporation of the Town of Gawler in 1864 on trust for the purposes of park lands.

In 2012 the council commenced a review of the management of these Park Lands, in particular addressing the complexity of the historical and current use of the Park Lands and past and current agreements in place for their use. This resulted in a request from the Council to the State Government seeking consideration of the introduction of appropriate legislation. This legislation would dissolve or modify the trust while ensuring the validity of current leases and providing the Council with the power to continue to effectively manage the use of these Park Lands in the future.

Obviously, this has been quite a lengthy process since the Town of Gawler identified the issues with the trust in 2012. The council was provided with a draft bill, in fact the same as we are debating now I understand, on 21 November 2014, quite soon after the most recent local government general

elections. At its meeting on 16 December 2014, the council considered the draft bill and resolved to support it. I am pleased that the changes sought by the council are now coming to fruition and I look forward to seeing the continued community focused use of the parklands that the community of Gawler has seen for the past 150 years or so.

I would like to put on record my thanks to the honourable members for Goyder, Schubert, and Hammond for their contributions on this bill in the other place and in particular their kind words about a part of South Australia which is very near and dear to my heart.

The area that this bill encompasses is at the heart of the community of Gawler and many activities—sporting, recreational and in the nature of other community events—take place in that area. Certainly, my own experience includes having opened the Gawler Show in that area in 1997, exhibiting and judging sheep in the area, playing football on the Gawler Oval that is part of the area, and having attended countless Rotary meetings and suicide prevention meetings in facilities on those parklands.

Also, as the Minister for the Status of Women would understand, there have been numerous International Women's Day events held in the community facilities on those parklands. Only last night I attended the changeover of the Rotary Club of Gawler, held in the new Gawler Greyhound Racing Club facility situated on those lands. So, it is a significant element in my life but also in the community of anybody within Gawler and surrounding areas.

The reference to Pioneer Park is also one of great significance to the history of the early cemetery for Gawler, but in more recent times has become a great focus for the local RSL sub-branch and the very well attended commemorations that take place on Anzac Day and Remembrance Day.

In conclusion, I again thank the House of Assembly for establishing a select committee and doing it with the sort of processes we regard as absolutely normal in this place. Unfortunately, there have been some instances in recent years where the House of Assembly has almost reluctantly agreed that a hybrid bill needs a select committee, and they have had these extraordinary situations on a number of occasions where they have established a select committee on a particular day, opened it and closed it within a matter of minutes without going out seeking any public submissions, which I have been very critical of (and I think I am not the only one) as it makes an absolute joke of the situation.

There was at least one occasion I think (I cannot remember the particular hybrid bill) where in this chamber we were so taken aback by that action that we in fact had our own select committee, which did the job properly. In many cases I understand the fact that there are likely to be no issues, but I remember one that the Hon. Mr Lucas and I served on some years ago, where it appeared that no issues would be raised and the proponents of the hybrid bill were not aware of an issue. However, when public submissions were sought, someone from the public came forward with something of value, which we were able to put into the bill as part of an amendment via a report from that select committee.

So, while these issues are sometimes unlikely to come forward, I have always been of the view that, if there is a process to have a select committee, then it should happen, as has been the case with this bill in the House of Assembly, where it did actually publicly seek submissions. The fact that none came forward shows that the bill is in good heart, and I am very pleased about that.

I am grateful for the fact that the member for Goyder picked up on my suggestion and, in seeking a proper select committee process, actually quoted me in the House of Assembly. I am pleased not about that so much but about the fact that the proper process was done, because I felt that the lower house was getting into the habit of having what I would call a mickey mouse select committee. So, I am glad they have done the proper process and that we now have this bill before us. With those words, I again indicate that the opposition will support the bill and I commend it to the council.

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 believe there are no further contributions to the

second reading of this bill, and I thank the opposition for its indicated support. This bill amends the Local Government Act 1999 to address the issue of the Gawler Park Lands. At present, the Gawler Park Lands are subject to a charitable trust for the purposes of a public park or parklands and 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 the community generally, rather than for a confined group of private individuals.

Although much of the land held under trust has been developed in a manner that is consistent with the terms of the charitable trust, over the years the Town of Gawler has also granted a number of leases and licences that are not consistent with the terms of the charitable trust. To address these inconsistent leases and licences, the government agreed to the council's request to legislate to discharge the trusts and to declare the land community land under the Local Government Act 1999.

The bill 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 bill 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 purpose and intent of the charitable trust are continued and the land continues to be used for the benefit of the community. I look forward to the bill being dealt with expeditiously during 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) (15:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CHILDREN'S PROTECTION (IMPLEMENTATION OF CORONER'S RECOMMENDATIONS)
AMENDMENT BILL**

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2015.)

The Hon. D.G.E. HOOD (15:58): I rise to speak on the Children's Protection (Implementation of Coroner's Recommendations) Amendment Bill. The bill has as its impetus the most tragic of circumstances, as members will be familiar with: the failure of the system which allowed more than 20 notifications of abuse against little Chloe Valentine to essentially go seemingly unpunished was shocking to all who followed the matter.

It is estimated that one report is made for every four children in South Australia which, in itself, is a shocking statistic when you think about it; one in four made reports to the Child Abuse Report Line (CARL). The government has reported that last financial year, some 44,000 reports were made to CARL, and a staggering 37,500 of these reports were not investigated. It is anticipated the number of calls will increase to 60,000 in this coming year. Thankfully, there have been seven additional full-time staff added to the CARL roster. However, it is unlikely this increase will make a significant difference in the number of calls that are actually successfully navigated and, ultimately, investigated.

It is estimated that up to 70 per cent of calls to CARL are made by mandatory reporters about situations which do not amount to abuse or neglect, which is indicative of a system whereby people are so concerned that they not miss a case of child abuse that they can report almost anything. The

system certainly appears to be clogged which, of course, increases the potential that serious abuse can go unnoticed. This was highlighted in the evidence given by Ms Benyk during the recent coronial inquest into the Valentine matter. When asked why she did not report a particular incident of child abuse, she responded that she had given up on CARL and, 'It was 4½ years of reporting and they did nothing so you, like, lose faith in that system.'

I know of an instance where a mother would repeatedly kick her child in the stomach and, on advice by police, the matter was reported to CARL. Sadly, the answer given to CARL was that they did not consider the matter significant enough to warrant investigation, not because the abuse was not concerning but because the person involved was 14 and they could leave home if they wanted to, sir. It is a true story. If the abuse was directed toward a baby or small child, the matter would have been investigated, one presumes.

This, we were informed, was due to resourcing levels. It was not until Centrelink reported the abuse that the police were prepared to get involved to investigate the matter. By that time, the child was out of the house and no longer prepared to further the matter with police. It does beg the question as to how many serious issues of abuse are not addressed as well. So, there are several problems—one of over-reporting in some cases; one of under reporting, if you like, in some cases; and one where there simply are not the resources to investigate when matters are reported.

We have also heard of allegations of people not having the appropriate training for taking calls at CARL, that is, that they are not trained social workers or do not have the appropriate skills and, therefore, are unable to properly identify matters that are raised and how serious they may or may not be. Clearly, there is an accumulation of issues within CARL that has created the situation we have now.

It has been reported that as many as 20,000 potentially serious notifications are received each year by Families SA and are filed away without any action at all. Again, I know of another instance which occurred recently where a young child alleged that someone touched him in the most inappropriate manner. That young boy, whilst highly intelligent, now struggles with communication and wishes to deal with strangers only on an infrequent basis, if at all. He was presented to a hospital where the allegations came to light in order to explain some of the symptoms which caused his carer to request treatment.

Within one day, the case was closed. No explanation was given to his parents, and that was it as far as the department was concerned in this instance. It was not so much that this matter was no longer worthy of investigation—any allegation of sexual abuse against a very small child should be investigated—but, in the scheme of things, the child presented a lesser degree of concern than did other children. This system itself is struggling with resourcing levels, appropriate training, staffing levels and, I am told, morale as well.

Family First has had representations from former Families SA workers and constituents who are caught up in the system. Those representations, in many cases, are beyond disturbing. Whilst we acknowledge that not all representations give a clear and accurate picture of the workings of the department or the successes they may or may not have, the issues that are raised are of great concern.

One constituent, a former social worker, noted that ongoing training was meant to be provided but rarely occurred, as resources were stretched, requiring workers to undertake workloads greater than their capacity. The situation by which social workers were allowed to have contact with Chloe Valentine and attend to her matter certainly gives weight to this allegation. Similarly, complaints have been raised about unqualified staff working in roles that they simply do not have the knowledge to fulfil. However, due to budget and other restrictions, they are the cheapest alternative and somehow have to be put into that position on occasion.

There were many significant and horrifying issues raised in the coronial inquest into Chloe's death and, given the media frenzy regarding that matter, it is not necessary to outline those here. It is heartening to see the department and government taking the coronial report seriously and implementing change in both the legislation and operations of this department. The government reported that work had been completed on all recommendations, and I would welcome the minister

updating the chamber on the progress of work conducted to date on the recommendations in this second reading.

That being said, the bill before us presents the opportunity for significant change as we further implement the remaining coronial recommendations. Family First remains hopeful, although not yet confident, that we will not see another case like Chloe's again, as appropriate and ongoing training provided to caseworkers in conjunction with legislative change would, ideally, prevent a reoccurrence.

There are two comments I would like to make regarding the recommendations the government has not accepted today. We encourage the government to look at adoptions, where appropriate of course, and after a sufficient period to allow parents to prove their capability of looking after their child or children. There are numerous foster carers, relatives and genuine people who desperately want the honour and responsibility of being the legal guardian of a child. There are people who are willing to love and nurture a child in a stable environment where the child can grow and develop. This is something our system currently almost ignores, but at Family First we strongly advocate adoption as a means of developing relational ties and fostering greater outcomes for children in care.

As members may have heard in the past, my own wife and my father are both the product of adoption, many years ago of course, and were brought up in terrific, loving homes where they have had the opportunity to flourish into contributing, positive members of the community. It is a model that works and a model that I think we ignore at our peril.

The other recommendation is preventing children from being in chauffeured or taxi driven cars without appropriate supervision. The government advises that this is a recommendation that the committee reporting to cabinet consider the best way in which to address the matter. It is our belief that, regardless of staffing or budgetary measures, the government should immediately do whatever it can to prevent this practice from occurring, or at least monitor it in a sufficient way. The potential consequences for an unsupervised minor in these circumstances is just too high. We would urge the government to consider these recommendations more thoroughly as a matter of urgency.

Although, ideally, having an extra person in their presence would be the best solution, it is not always possible—we accept that. Maybe the fact is that the funds simply do not stretch to that, but could we not have a system in place that resulted in recording, for example, of individuals in this situation whereby, perhaps, a recording of each particular journey was undertaken that could be reviewed at any time? This in itself, I think, would make a significant difference and might actually be a step in the right direction. At the very least, it would provide a strong disincentive for people to do the wrong thing on those journeys and provide an extra level of protection for the children. This would be something that would be relatively inexpensive to put in place and would also, at the very least, provide, as I said, some additional protection for the children involved.

Family First would also like to take this moment to ask the government to revisit the numerous recommendations made previously in child protection inquiries and the parliamentary inquiry on Families SA that remain unimplemented. We have a raft of reports that have been handed down, with corresponding recommendations. If we are not going to implement those recommendations, one may well suspect that this child protection problem will be ongoing, and we all certainly hope that is not the case.

That being said, we certainly welcome this bill and commend the government for bringing it before the parliament in such a timely manner. The government is addressing three of the Coroner's recommendations in this bill: recommendations 22.2, 22.11 and 22.12. This bill amends the objects of the act to make it clear that the paramount consideration of this child protection legislation is to keep children safe, and in some instances that means removing a child from their parents. If that has to be done, so be it.

Family First recognises that there are times when it is important to remove a child and will continue to support measures that are appropriately administered. Under this bill, section 4 of the act is removed for clarity. The Law Society opposes this move and has concerns about the potential impacts removing this provision will have on a child in general and, more specifically, children of Aboriginal and Torres Strait Islander descent.

I raised this issue with the government and the advice received is that it does not agree with the entirety of the Law Society's views. The government has, however, addressed specific issues via amendment relating to the views of the child being recognised and then a requirement for expediency in matters of child protection. This is certainly not an issue that we would want to overlook as the issues raised in section 4 provide rights to a child or young person which should be observed.

Family First strongly supports the provisions regarding cumulative harm being a relevant factor in decision-making. There are certainly situations where the parent or carer of a child is not faring as well as they could and Families SA intervenes, provides the appropriate support and then the parent or carer is able to continue looking after the child without further need of support. It is always fantastic to hear of those cases; however, sadly, many situations do not resolve in such a manner.

We strongly support consideration given to both the current and historic care of the child and any potential for serious harm, abuse or neglect. Whilst there are natural instances when the past behaviour of a parent or carer with appropriate interventions and support may not be indicative of future behaviour, there is of course a need to consider the matter as a whole. Therefore, considering the current and historic care of the child when assessing the potential for serious harm, abuse or neglect is the most logical approach.

While I would hope that the obvious nature of these provisions would have already been a consideration in child care and protection, we fully support the implementation of these legislative provisions. We further support the provisions which create a qualifying offence. Whilst this is controversial in some quarters, the argument of course being that a blanket approach is dangerous and ignores the fact that behaviour can change, we find merit in the recommendation of the Coroner and lend our support to the implementation thereof.

Any person who has a conviction that has been proven beyond reasonable doubt to have been guilty of criminal neglect, endangering life, causing or creating a risk of serious harm, manslaughter, murder or an attempt to commit these offences, will have met the criteria for a qualifying offence and the child or children living with them will be subject to an instrument of guardianship. We note that these provisions are deliberately wide to create instances where someone lives with the child but is not the parent. We consider that is an important consideration in these amendments and support them.

We look forward to the implementation of these three recommendations and any update the government can provide regarding the furtherance of the remaining recommendations. It is also relevant at this point to add a comment about what seems to be an acceptance by some quarters within Families SA of the use of illicit drugs. In interviews I have had with staff members of Families SA, even with senior members of the department, there is a lack of clarity in how to handle parents who are what you might call abusers of illicit drugs and that is deemed to be affecting the relationship with their children.

I venture to say that sometimes these addictions become very overpowering and, when it comes to choosing between anything and further substance abuse, it is very hard for people not to choose the substance. When that becomes the case, children simply have to be removed; it is as simple as that. We are too slow to act, and there are many cases all of us could point to that provide proof of that. Family First looks forward to seeing positive change in this area so that our vulnerable children are afforded the care and protection they deserve.

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

INTERVENTION ORDERS (PREVENTION OF ABUSE) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2015.)

The Hon. A.L. McLACHLAN (16:12): I rise to speak to the Intervention Orders (Prevention of Abuse) Bill 2015. The bill contains a number of amendments that will assist in the operation of the act. The act first came into operation in December 2011 and reformed the system of restraining

orders by creating a new type of order, titled an 'intervention order', whilst also broadening the range of people who may be protected by them.

Many of the amendments in the bill currently before us are administrative in nature and have arisen as a result of comments and submissions from the Chief Magistrate, the Commissioner of Police and other government agencies who are responsible for the administration of these types of orders. In essence, the bill aims to strengthen our intervention framework by refining the extant law. The need for the changes to the law became apparent in the 2014 decision of Justice Peek in the Supreme Court case of *Police v Siaoosi*. In this case, Justice Peek found the term 'in the vicinity of' was not within the powers conferred by the act.

Since that time, there has been considerable legal uncertainty in relation to the use of that terminology. As a result of that decision, the South Australian police and the Chief Magistrate have requested the amendments before the chamber so that intervention orders can be issued either by the courts or police and contain the term 'in the vicinity of', and such orders will be legally enforceable.

The bill also contains a transition provision to validate any existing intervention orders. The bill also facilitates electronic transfer of information between South Australia Police, the courts and relevant public sector agencies by allowing the provision of prescribed details of an order rather than a copy of the order itself. We understand that this bill, if enacted, will provide opportunities for greater efficiency in the administration of orders more generally and remove the need to duplicate data entry across the criminal justice sector and relevant agencies.

The bill also amends section 31 of the act to provide the court with the sentencing power to require perpetrators of domestic violence to bear the financial burden of an intervention program. Currently, intervention programs are only available in the Adelaide metropolitan area and are fully funded by the government. This amendment will give the court a discretionary power to order that when a defendant is convicted of a breach of an intervention order and the breach consists of physical violence or a threat of physical violence, they will be required to make payment towards the cost of any treatment program ordered as a condition of the intervention order.

The government has indicated that this cost recovery service will allow programs to be extended into regional areas. We support this initiative and assure the government that we will hold it to account on its commitment, as we believe that such treatment programs should be available across the state.

Another important aspect of this bill is the amendment of section 18(7), which makes it an offence for an offender to fail to provide an address for service to the police. This is a logical amendment, because even though at the moment a person who has an intervention order against them is required to notify the Commissioner of Police of any change of address, there is no legal consequence for them if they fail to do so.

The bill also makes necessary amendments to the Bail Act to give the court the power to order attendance at any treatment program as a condition of bail. As it is currently drafted, this can only take place if the defendant consents. The Liberal Party notes the concerns expressed by the Law Society that making compulsory attendance at the treatment program in the absence of consent is contrary to the presumption of innocence. In other words, it requires an act before a finding of guilt. The Law Society's view is that it is undesirable for a court to require a defendant to undertake a program which assumes guilt. The Liberal Party has formed the view that given that it is within the discretion of the judicial officer, and also that the judicial officer may take into account the views of the impacted party, it will support this amendment.

The domestic violence statistics in South Australia cause all members in this parliament to pause and reflect, and engages them to support any initiatives that protect women in domestic arrangements. In Australia, the recent statistics tell us that on average one woman is killed every week as a result of domestic violence and that one woman is hospitalised every three hours. These statistics have informed the Liberal Party's view and approach to this legislation, and this is why we are supporting it.

Also, alarmingly, intimate partner violence is a leading contributor to death, disability and ill-health in Australian women aged between 15 and 44 years. More particularly, the Liberal Party is informed by the horrific circumstances set out in the coronial reports of Zahra Abrahamzadeh and

Robyn Eileen Hayward. It is our view that we should be seeking to support and engage in any endeavour which moves forward the protection of women and takes us away from having to read and respond to such horrific reports. The Liberal Party supports the bill; it does not at this stage seek amendment. I commend the bill to the chamber.

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

STATUTES AMENDMENT (VULNERABLE WITNESSES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2015.)

The Hon. A.L. McLACHLAN (16:20): I rise to speak on behalf of the Liberal Party in respect of the Statutes Amendment (Vulnerable Witnesses) Bill. The Liberal Party will be supporting the bill and at this stage has no amendments for the same. This bill is seeking to improve the position of vulnerable parties (that is, children and persons with a disability), whether they be victims, witnesses, suspects or defendants, through the court process.

It is a critical part of our justice system that we have a system that is transparent and based on the accounts of witnesses. The cornerstone of all justice and delivering justice for the community is that the judicial system requires accurate and honest witnesses. The human being gives evidence in a public court in which not only is justice being sought to be done, but justice itself is on trial.

In contemporary society, we do need to pay due regard or closer concern for the situation of witnesses and victims, and this is a good thing and informs the supportive position of the Liberal Party in relation to this bill. We must go as far as we can to reduce the pressures and problems of every single witness, but also of vulnerable witnesses in particular, for this is important in facilitating not only a fair trial but also shows the compassion which the community in general should show to victims of crime.

The bill provides for an admission of audio visual records of interviews as the evidence of victims or witnesses who are aged 14 years or younger or have a disability that adversely affects their capacity to give evidence in cases involving a sexual or violence offence, and to regulate how those interviews are to be conducted. The bill also provides for special hearings for the pre-trial taking of evidence (including evidence-in-chief, cross-examination and re-examination), in informal surroundings, from children 14 years of age or younger or persons with a disability who are victims or witnesses in trials involving sexual or violence offences.

Pleasingly, the bill also makes revisions which are aimed in this context at protecting the right to a fair trial, including that a court must be satisfied that the respondent has been given a reasonable opportunity to review any recording, and that, during the course of the trial, the witness must be available, if required, for further examination, cross-examination or re-examination. A judge must warn the jury not to draw from the admission of evidence in that form any inference adverse to the defendant and not to allow the admission of evidence in that form to influence the weight to be given to the evidence.

An order for a pre-trial special hearing must also not be made if the effect of the order would be to relieve the witness from the obligation to give evidence or relieve a witness from obligation to submit to cross-examination, prevent the judge or defendant from observing the witness's demeanour in giving evidence, or prevent the defendant from instructing counsel while the witness is giving evidence. These protections are also important to ensure that the defendant can have confidence in the court system that their matter will be heard not only independently but fairly.

The bill also extends the priority of sexual assault trials where a complainant is a child to also include those where a complainant has a disability. The bill clarifies the definition of vulnerable witness under the Evidence Act 1929 to include cognitive impairment. It also extends the age of a young child from a child of or under the age of 12 years to a child of or under the age of 14 years.

This amendment is in response to concerns that have been raised that the current prescribed age of 12 years in the Evidence Act is too young and does not recognise the trauma and stress faced

by children in their early teenage years who are confronted by the rigours of a police investigation or the procedures of a criminal trial.

A key part of the bill is an amendment to the Evidence Act 1929 to give people with complex communication needs a general entitlement to have a communication assistant present for their contact with the criminal justice system, both in and out of court, to facilitate the obtaining of an accurate and coherent account. This expands upon the existing right that people have to an interpreter.

The bill provides for two classes of persons to give this assistance in court: a communication partner as approved by the minister—and we understand it is contemplated that a communication partner will be a volunteer as part of a specialist scheme who will be trained to facilitate effective communication—and secondly, a communication assistant appointed by the court. Like interpreters they will be required to swear an oath or affirm in court the impartiality of their statements.

The bill goes on to further amend the Evidence Act to clarify and increase access to appropriate support persons to provide emotional support for vulnerable witnesses, both in and out of court. It is the view of the Liberal Party that these are all admirable endeavours.

There are a number of amendments in relation to the Evidence Act about which the Law Society has raised specific reservations. These are in respect to, in particular, clause 13 of the amending bill which affects section 21, clause 16 which seeks to amend section 34LA, and clause 18 of the amendment bill which affects section 67H.

Whilst the Liberal Party is not contemplating amendments and accepts the explanation for the amending bill provided by the government, the Law Society's concerns are set out in a letter dated 15 June to the Attorney-General in the other place by the president, Rocco Perrotta. We would seek from the government some response during the committee stage to those concerns which are raised in relation to those sections.

In particular, the bill creates a new section 34LA and repeals section 34CA in the act. Section 34CA has a long history since its first inclusion in 1988. Interpretation of this section by the courts has proven to be problematic. The Attorney-General has responded to concerns raised by the Court of Criminal Appeal in bringing forth this bill.

The new section provides for the admissibility as a limited exception to the hearsay rule of out-of-court statements of a young child or a witness with a disability in sexual cases where the witness is unavailable to be called to testify about the events in question owing to a young age and/or a disability. The evidence will be admissible to prove the truth of the facts contained in the statement. Unlike the previous incarnations of section 34CA, it does not require the maker of the out-of-court statement to be available for cross-examination.

The Law Society has formed the view that, on the current drafting of section 34LA, whilst it does not contest the policy initiative behind it, that there is a risk of miscarriage of justice and has put forward in its letter to the Attorney drafting alternatives. We ask the government to take those on notice and, as I have previously indicated to the chamber, provide a response to the chamber in committee why it believes that its drafting is superior and accommodates those concerns.

The Law Society opposes clause 21(7), which prohibits an appeal against a decision of the court in relation to a section 21 determination. The Law Society's opposition is based on the importance of the reviewability by appeal of decisions of the court, which may have an impact on the proceedings. Again, I ask the government to put forward its countervailing, I assume, against the Law Society's submission.

The other significant Law Society submission is in relation to the proposed new section 67H(1) at this stage. With the interview of a witness, they believe that the accused should not be denied the opportunity to consider any material by the unreviewable decision by the prosecutor. Section 67H relates to sensitive material and has been expanded to include further sensitive material, but material that may be relevant to the case being tried. Again, I ask the government in committee to respond to those matters raised by the Law Society.

The Liberal Party supports the policy initiative of the government in relation to protecting vulnerable witnesses. It acknowledges the work in this area of the Hon. Kelly Vincent. It supports the

amendments in the bill but seeks clarification around a response to the Law Society, as I have indicated, and commends the bill to the chamber.

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

At 16:32 the council adjourned until Wednesday 1 July 2015 at 14:15.