LEGISLATIVE COUNCIL

Wednesday, 29 July 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:19 and read prayers.

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

Bills

LOCAL GOVERNMENT (GAWLER PARK LANDS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

NATURAL GAS AUTHORITY (NOTICE OF WORKS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

CRIMINAL LAW (HIGH RISK OFFENDERS) BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:22): I bring up the 11th report of the committee.

Report received.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Reports, 2013-14—
Stony Point Environmental Consultative Group
Reports, 2014—
Torrens University Australia
University of South Australia
Reports, 2014-15—
Suppression Orders
Review of Codes established under the Liquor Licensing Act 1997—Final Report by the Internal Consultancy Services Group to the Minister for Planning
Regulations under the following Acts—
Mutual Recognition (South Australia) Act 1993—
Controlled Substances
Environment Protection
Third Party Premiums Committee Determination

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

Regulations under the following Acts—
Aquaculture Act 2001—
Fees
Oyster—Fees
Controlled Substances Act 1984—Controlled Drugs, Precursors and Plants
Fisheries Management Act 2007—Transitional—Fees
Environment Protection (Solid Fuel Heaters) Policy 2015 under the Environment Protection Act 1993
Government Response to the Natural Resources Committee Report: Kangaroo Island NRM Region Fact-Finding Visit, 5-7 November 2014

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Direction to the South Australian Water Corporation pursuant to the Public Corporations Act 1993

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

Corporation By-Laws—
Port Adelaide Enfield—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Local Government Land
No. 4—Roads
No. 5—Dogs
No. 6—Lodging Houses
No. 7—Waste Management

Ministerial Statement

STRETTON, PROF. H.

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) (14:25): I seek leave to make a ministerial statement. Vale Professor Hugh Stretton.

Leave granted.

The Hon. G.E. GAGO: It is with great sadness that I note that Professor Hugh Stretton, one of South Australia's most distinguished citizens, passed away on 18 July. His passing is a great loss to this state. Historian, economist, thinker and public intellectual, Hugh Stretton made an exemplary contribution to the civic, intellectual and moral life of South Australia and Australia.

Hugh Stretton was born in Melbourne in 1924 and educated at Beaumaris State School, Mentone Grammar and Scotch College. He studied law and classics at the University of Melbourne, which was interrupted by military service, history at Oxford University and political science at Princeton as a visiting fellow.

He was appointed a fellow of Balliol College Oxford in 1948 and taught at Oxford between 1948 and 1954. Clearly, he might have led a stellar international career elsewhere, but he chose instead to make Adelaide his home. Stretton's appointments here include Emeritus Professor of History, University of Adelaide, and visiting research fellow in economics, University of Adelaide.

His numerous highly-regarded books gave him an impressive international profile. In 1969 *The Times Literary Supplement* described his book *The Political Sciences* as 'a work of near genius'. However, it was the lasting influence of his 1970 publication *Ideas for Australian Cities* that continues to resonate today. For many years he led Australia's public conversation around creating cities and suburbs that were civilised places where people could make meaningful and satisfying lives for themselves.

This was a man who believed that it was possible and desirable to make a happier Australia. He believed that the very best of our collective generosity of spirit could be harnessed to build a truly egalitarian country in which all of us could reach our fullest potential. He was not at all fazed by the size of this task. In short, he had a colossal faith in human endeavour. He had been through the rebuilding of Australia after the Second World War and saw every reason for an upward trajectory that saw the creation of our prosperous, peaceful, shared suburbs and cities continue.

He was right: modern, safe and stable Australia is a brilliant creation and we need that optimism still. Now, more than ever, as South Australia faces a changing world, we need the spirit of Hugh Stretton. The defining qualities of his long and productive life were his great generosity and wisdom. Those who were fortunate enough to receive his wise counsel gained the deeply considered insights of a razor-sharp intellect tempered with a remarkable gentleness and compassion.

The tributes that have flowed since Hugh Stretton's passing recognise this unique and deeply humane quality to his life and work. He was never an ivory tower academic. Hugh Stretton always mixed the theoretical and the applied. He served on the South Australian Housing Trust for 20 years, including 17 years as deputy chair which, in turn, gave him a detailed practical understanding of housing policy.

One frequently quoted 'Strettonism' was his gentle reply to a strident employee of the South Australian Housing Trust who asserted that 'there should be no private housing at all, just public housing'. Hugh apparently replied, 'No, we need them to keep us efficient and they need us to keep them honest.' Such balanced insight into the relative merits of the public and private sectors is sadly missing today in the often combative public debates on these issues.

Apart from the substantial record of his writings and policy work there will, however, be a physical legacy to his life: the about-to-be-opened Stretton Centre at the Playford Alive Town Park of Munno Para. The Stretton Centre will embody much of the way that Hugh Stretton lived his life—a mix of high quality research and applied practical action that will connect people across government, industry and community, with a view to making a better place for Australians to live, work and play. One of the best possible ways in which Hugh Stretton's legacy can be honoured is to support the Stretton Centre with its endeavours, and we wish them all the very best in their efforts. Our sincere condolences are extended to his wife Pat and his four children.

COMMUNITY ROAD SAFETY FUND

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 copy of a ministerial statement made today by the Hon. Tony Piccolo in another place on the Community Road Safety Fund.

LEADERS' RETREAT

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 copy of a ministerial statement made today by the Premier, the Hon. Jay Weatherill, on the leaders' retreat.

BOLTON, MS E.

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 copy of a ministerial statement made today by the Deputy Premier, the Hon. John Rau, on the distinguished career of Elizabeth Bolton.

LATE NIGHT TRADING CODE OF PRACTICE

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 copy of a ministerial statement made today by the Deputy Premier on the final report of codes of practice under the Liquor Licensing Act 1997.

SOUTH EAST DRAINAGE NETWORK COMMUNITY PANEL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:30): I seek leave to make a ministerial statement on the response to the South-East Drainage Network Community Panel.

Leave granted.

The Hon. I.K. HUNTER: The South-East Natural Resources Management NRM Board established a community panel to engage with the South-East community on the issue of finding a sustainable funding regime for the region's extensive drainage network. The South-East NRM Board engaged not-for-profit research organisation, newDemocracy Foundation, to establish a community panel in the style of a citizens' jury. The community panel was tasked with providing recommendations in response to the following two questions:

1. How shall we pay for maintaining our largest local infrastructure asset, the South-East drainage network?

2. The state government will commit $2.2 million per annum. Do we want to spend more than that and, if so, how do we fairly share this cost across the region?

The clear constraint for the community panel was that the government would not fund more than its budgeted amount of approximately $2.2 million per annum.

The community panel's role was to determine whether more cost recovery was required from the community and how that cost recovery would be equitably shared across the region. In March 2015 the community panel provided seven recommendations for the state government's consideration, including that the state government should pay for the ongoing maintenance of the South-East drainage network from state appropriation. The community panel also specifically opposed the introduction of a regional-based levy.

Other recommendations included the state government crediting the value of South-East water, which will be delivered to the Coorong via the South-East flows restoration project, in line with the market value of the Murray River water market prices and allocating the savings/funds directly from the maintenance of the South-East drainage network.

The community panel also recommended that, in consultation with affected stakeholders, the existing drainage network be scrutinised and assessed in order that drain maintenance is appropriately prioritised. As I publicly stated at the start of the community panel process, the government will not invest more than the current commitment of approximately $2.2 million per annum for the ongoing maintenance of the South-East drainage network. Therefore, this recommendation of the panel cannot be endorsed. The state government maintains its commitment to finding long-term maintenance solutions in partnership with the community.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: The South-Eastern Water Conservation and Drainage Board and the South-East NRM Board will continue to work with the community in this regard.

The drainage network is managed by South-Eastern Water Conservation and Drainage Board under the South Eastern Water Conservation and Drainage Act 1992. A review will be undertaken on how the South-East drainage network is operated and maintained. This review will be undertaken by the South-East NRM Board and the South Eastern Water Conservation and Drainage Board, working in partnership with the regional community. The South-East NRM Board will also maintain involvement in the sustainable diversion limit and water resources planning processes that are currently underway within the South Australian Murray-Darling Basin.

In response to the remaining recommendations, I have asked the Department of Environment, Water and Natural Resources to continue to work with the South-East NRM Board and the South Eastern Water Conservation and Drainage Board to seek opportunities to leverage funds from sources other than the state government, and to explore options for creating efficiencies, which will support the improved operation and maintenance of the South-East drainage network.

This will be supported by the collaborative development of the South-East drainage and wetland strategy to guide surface water management in the South-East, and to continue these important discussions with the South-East community. I appreciate the commitment of the community panel members throughout this process, and I wish to thank them for their collective contributions.

While it has not been possible to adopt or pursue all their recommendations, I wish to assure them that their efforts have been valued and will help shape a range of actions to ensure the long-term maintenance of the South-East drainage network. I table the report of the South-East community panel and the government's response as well.

Question Time

ENTERTAINMENT CENTRE AND CONVENTION CENTRE BOARDS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Tourism, a question about the Convention Centre and Entertainment Centre new board arrangements.

Leave granted.

The Hon. D.W. RIDGWAY: As members would be well aware, we have just gone through the estimates period in the House of Assembly. Unfortunately, during the estimates examination of the tourism budget papers, minister Bignell took up some 64 per cent of the allotted time answering Dorothy Dixers—some 5,200 words out of the 8,300 words that were uttered during that period of time—so I could not get this question asked. I think it is a very important one. The government announced, when it was abolishing all the boards and committees, that it would be abolishing the Entertainment Centre board and the Convention Centre board. My questions to the minister are:

1. Is this still the government's intention?

2. If so, when will they announce the new board arrangements?

3. What will be the fate of the two very good chief executives, Mr Anthony Kirchner, at the Entertainment Centre, and Mr Alec Gilbert, at the Convention Centre?

4. What will be the composition of the new board in terms of the number of members and their fields of expertise?

5. What will be the new board members' actual sitting fees?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:40): I thank the honourable member for his five questions to the Minister for Tourism in the other place on the new board arrangements for the Convention Centre and the Entertainment Centre. I undertake to take those questions to the minister and to seek a response on his behalf.

SPECIES LOSS

The Hon. J.M.A. LENSINK (14:40): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation about species loss.

Leave granted.

The Hon. J.M.A. LENSINK: On 19 July, the minister released a new strategy to protect the koala population in South Australia. However, I note that other species in South Australia are facing some fairly significant challenges. Honourable members would be aware of the work of Associate Professor David Paton, who has made the following comments:

> There is insufficient habitat in the arable regions of South Australia to adequately support the terrestrial biodiversity of these regions so biodiversity will continue to decline. Current predictions based on the amount of habitat that remains indicate that half the bird species that occupied the Mt Lofty region will be lost unless substantial amounts of additional habitat are reinstated.

My question for the minister is: given that he has been prepared to endorse a koala strategy, does he intend releasing any form of strategy for the significant woodland species, which include diamond firetails, beautiful firetails, zebra finches, black-chinned honeyeaters, Jacky Winters, restless flycatchers, southern emu wrens and hooded robins, which are under stress and at risk of extinction?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:42): I thank the honourable member for her most important question. The government has commenced South Australia's Strategic Plan target No. 69, 'Lose no species: lose no known native species as a result of human impacts'. I note there that the term used is 'lose no known native species', because of course, we do not know exactly how many species we have in this country. I note just recently, in fact, that 13 new species of spiders were discovered in Queensland just these last few weeks—or at least reported in the media in these last few weeks.

To lose no native species as a result of human impacts is an ambitious target that we have set for ourselves. In August 2012, a new measure was added to target 69, 'Trends in extent in protection of ecosystems'. This measure allows broader reporting on ecosystems in addition to the existing reporting on trends in 20 indicator species. It was this state government, of course, that established 19 marine parks, which cover around 44 per cent of the state's waters.

The Hon. J.M.A. Lensink: I asked you about birds.

The Hon. I.K. HUNTER: Very conveniently, the honourable member says, 'We do not want to talk about the marine parks and marine systems; we only want to talk about birds.' That is because their reputation on parks in this state is in the rubbish bin. We will get to that in a moment.

Our marine parks cover around 44 per cent of the state's waters. This network of marine parks is one of the most significant and important conservation programs ever undertaken in this state to protect some of our most important marine biodiversity, but of course the Liberals in South Australia do not want to talk about that.

For example, in the Nuyts Archipelago Marine Park, the Nuyts Reef and Isles of St Francis sanctuary zones will help protect and conserve breeding sites for Australian sea lions; habitat for birds such as the endangered osprey (there's a bird, Mr President), rare rock parrot (another bird for the Hon. Michelle Lensink), rare Cape Barren geese and of course little penguins; a biodiversity hotspot known for its wide variety of habitats and fish species; and the second-largest short-tailed shearwater breeding colony in South Australia.

There are many ongoing projects aimed at improving South Australia's biodiversity and ecosystem resilience through large-scale replanting and restoration activities. South Australia has almost a quarter of its land managed for conservation and other sustainable uses in the public estate, and this is more than any other mainland state, I am advised, in terms of proportion.

We have enhanced the management and extent of the protected area system in South Australia through the development and implementation of the state's protected areas strategy, Conserving Nature 2012-2020: 'A strategy for establishing a system of protected areas in South Australia.' In 2013, we continued this tradition by providing the iconic Nullarbor Plain with South

Australia's highest level of conservation protection as a wilderness protection area. This almost doubled the area of South Australia which receives this level of protection to approximately 1.8 million hectares.

When Labor came to government in South Australia in 2002, just 70,000 hectares of South Australia had wilderness protection status—just 70,000 hectares. We are extremely proud as the government to have given the highest level of protection now to 1.8 million hectares of land, and the species that this land provides habitat for. The real point of this, of course, is that hardly a single hectare of wilderness was added to this list the whole time the Liberals were in government in the 1990s—

Members interjecting:

The Hon. I.K. HUNTER: The whole time. The only wilderness areas that existed were actually put in place by Labor governments in the past. But, Mr President, I digress. Over the past 12 years, 68 new parks have been proclaimed and there have been 74 additions to parks. Over 2.2 million hectares have been added to the state's reserve system or reclassified to a higher conservation status under the National Parks and Wildlife Act and the Wilderness Protection Act. As part of its 2014 election commitments, the state government has committed an additional $300,000 over two years to increase South Australia's system of parks and reserves in order to protect more of the state's unique environment.

The growth of our state's public reserve system has been complemented by an extensive and growing area of protected areas on private lands. This is another area on which we have led the country. South Australia now has the largest percentage of land area in both public and private protected areas of any Australian mainland jurisdiction—a total area around the size of the state of Victoria, I am advised. This is a valuable environmental, economic and social resource for all South Australians and, of course, it provides for habitat.

We commenced our South Australian Urban Forest/One Million Trees Program in 2003, expanding our target to 3 million trees by the end of 2014. On 28 August 2014, we completed this program with the planting of the 3 million seedlings at Onkaparinga River National Park. We have committed an additional $21.9 million over four years from 2011 to 2012 in fire management to protect communities, promote biodiversity and help protect the state against the ongoing risk of bushfires.

In addition, we have developed risk-based fire management plans for 154 reserves and expanded this state's firefighting capacity through increased brigade numbers and an enlarged fleet of specialised firefighting vehicles and machinery.

The fire-management budget for the Department of Environment, Water and Natural Resources totalled $10.12 million in 2014-15 financial year compared to approximately $330,000 in 2002-03. In 2012, the Labor government protected Arkaroola through the passage of the Arkaroola Protection Act protecting the area's conservation values from mining. We have also given Arkaroola state heritage listing, and we are currently finalising the management plan for the Arkaroola Protection Area.

Labor is also committed to establishing the Adelaide International Bird Sanctuary to protect internationally important habitat for migratory shorebirds. The state Labor government has already invested $2 million in the purchase of 2,300 hectares of salt flats to add to the bird sanctuary. The sanctuary, which is proposed to stretch for 60 kilometres from the Barker Inlet in the south to Parham in the north, will provide a protected area for more than 200 species, including 50 shorebird species.

The area is a key part of the East Asian/Australasian Flyway and has the potential to be an exciting drawcard for birdwatchers from interstate and overseas supporting both tourism and the environment in South Australia. The government has committed to invest an additional $1.7 million over four years for the establishment and ongoing maintenance of the sanctuary.

This government is not sitting idly by as the Liberals are. We are actively taking steps to protect our precious environment and our native species and will continue to do so. But one of the greatest challenges to species survival over the next 50 years and more is going to be climate change, and what is the Liberal party's position on climate change? What is their position on climate

change? They haven't got one, because they don't believe in it. They don't believe in climate change; their federal party doesn't believe in climate change; they don't want to act on climate change; and all they want to do is continue to invest in the 'coal is good for humanity' line of their Prime Minister.

SPECIES LOSS

The Hon. J.M.A. LENSINK (14:49): Supplementary question: of the specific bird species that I mentioned, what specific measures does the government have? Does it have a particular strategy, or does it only have strategies which apply to cute mammals with big brown eyes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:49): Clearly the honourable member opposite and the rest of the cheer squad behind her were not listening to the answers. If you are going to protect species you must actually protect their habitat, where they are to be found, and you have to connect up those areas of habitat instead of having little parklands, small, tiny areas that will not support a species for very long.

As I said, the one thing that members opposite will not contribute to in this debate is talk about the threatened status of species because of changes we are going to face through climate change. Their government, at a federal level, will not do any work on climate change. In fact, it wants to do just the reverse, and stop anyone from acting on it. It is about time that this Liberal opposition stood up to the Neanderthals in the federal parliament who are running this country at the moment, and tell them that they need to act in concert with the rest of the world and get real about climate change, get real about emissions reductions, and take a sensible and real package to Paris at the end of this year.

Don't faff around in this place talking about cuddly species. Let's talk about the real challenges to species loss; let's talk about the real challenges that are confronting us—and that is climate change.

SPECIES LOSS

The Hon. T.J. STEPHENS (14:50): A supplementary to the minister. Is the minister's solution to climate change to make sure that nobody in this state works?

Members interjecting:

VOCATIONAL EDUCATION AND TRAINING

The PRESIDENT: The Hon. Mr Wade.

Members interjecting:

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

The Hon. S.G. WADE (14:51): Thank you, Mr President. I seek leave to make a—

Members interjecting:

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

The Hon. S.G. WADE: I seek leave—

Members interjecting:

The PRESIDENT: Order! I think the Hon. Mr Wade deserves a little bit more respect than this. The Hon. Mr Wade.

The Hon. S.G. WADE: Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question in relation to vocational music courses.

Leave granted.

The Hon. S.G. WADE: In August 2014 the University of Adelaide announced that from the start of 2015 it would no longer offer three vocational education and training courses in music, and that its decision to end these courses was due to state government funding cuts. The courses

involved were Certificate III in Music, Certificate IV in Music, and the Diploma of Music. Around 80 students were reportedly enrolled in these courses at the University of Adelaide at the time.

Responding to the university's announcement, the minister noted that the three courses were offered by TAFE SA. The minister also said that TAFE SA had agreed to deliver some 'jazz music options' that had been offered by the university. My questions are:

1. What action has the government taken to ensure that the VET courses are re-established at the University of Adelaide?

2. How many additional TAFE SA places have been established in lieu of the three VET music courses since the University of Adelaide's announcement?

3. How many students are currently enrolled in each of these courses and how does that compare with the number enrolled last year, when the courses were available through both TAFE and the university?

4. Does TAFE SA now deliver the jazz music options previously offered by the University of Adelaide? If so, at which TAFE campuses?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:53): I thank the honourable member for his important questions. As I have said in this place before, TAFE SA is an independent statutory corporation run and managed by its own board. A number of the questions that the honourable member has asked are clearly of a day-to-day operational nature, and I suggest that the honourable member direct the questions asking for details of enrolments and such like to TAFE SA.

However, I can talk generally about the music program. Both TAFE SA and the University of Adelaide are governed by their own boards or councils independent of government, and decisions about the courses offered at those institutions are a matter for them. I can advise that the state government previously offered a Skills for All subsidy to vocational education providers to help cover the costs of certain vocational courses, including certificate III, certificate IV and the Diploma of Music. I can also advise that the University of Adelaide's Elder Conservatorium received this subsidy for its vocational music courses.

For an interim period the government also provided additional funds to assist the university to deliver those courses. If I recall, it was to assist them to establish those courses with a mind to their eventually being sustainable in their own right. So, for an interim period, additional funds were provided. As I have reported in this place previously, in mid-2014, I think, the University of Adelaide made a business decision not to offer vocational music courses in 2015. My understanding is that that decision was made well before any WorkReady funding arrangements for 2015 were released.

With regard to the three Aboriginal music courses listed on the University of Adelaide's website, I have been advised that these qualifications are university accredited courses and are not registered with the vocational education regulator at ASQA. These courses are therefore not eligible for vocational education funding and therefore have not previously been funded under Skills for All.

I understand that students wishing to access vocational education funded music courses can approach TAFE SA, the Salisbury campus, which offers music courses that are funded through Skills for All. Of course, WorkReady will now continue to fund new enrolments in music courses for TAFE SA. My understanding is that that includes certificate III and IV and also the Diploma of Music.

My understanding is that the Uni of Adelaide has completed all training as a vocational education provider and ceased its ASQA registration in December 2014. As I said, that is a business decision that the university has made. The Elder Conservatorium has completed its claims for the 161 vocational students in 2014 and, in total, has received a Skills for All subsidy of $361,000-odd. Its Skills for All contract and supplementary funding deed, I understand, was finalised at the end of June 2015. I am advised that TAFE SA currently has about 148 course enrolments in cert III and IV and the Diploma of Music and that music courses are also available through another registered training provider, Music SA Adelaide, and I understand that is through fee-for-service arrangements.

In relation to the other details, as I said, I would encourage the Hon. Stephen Wade to refer those questions regarding detailed operational figures to TAFE directly.

BODY IMAGE CAMPAIGN

The Hon. J.M. GAZZOLA (14:57): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about how the government has empowered young South Australian women.

Leave granted.

The Hon. J.M. GAZZOLA: The minister has spoken in this chamber before about the commitment this government made to a body image campaign in the lead-up to the 2014 state election. Can the minister inform the chamber about the online reach achieved through the government's body image campaign?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:58): I thank the honourable member for his ongoing interest in this particular policy area. I know he is the father of a young teenage daughter and that he has a very keen interest in ensuring that young South Australian women grow up with a healthy attitude around body image.

It gives me great pleasure to report that during the course of this body image campaign we had, I think, 195,200 shares on social media, an impressive reach for what is a simple but really important message. It is my hope that, even though this six-week campaign has now ended, the positive message will continue to proliferate in social media. This was an organically reached number. To put it into context, in the 2013-14 financial year, WIS social media accounts reached just 59,000 accounts.

To refresh members' memories, this was a digital media campaign aimed to inspire girls aged seven to 12 to build their self-esteem, to love their bodies and to realise that their value comes from their character, skills and other attributes, not their body weight and shape. Recognising that most social media sites do not allow children under 13 to join, the WIS ensured that content was created that parents could view with girls aged seven to 12 to encourage discussion and that they could share within their social media network.

I was very proud to launch this campaign on 6 May 2015, International No Diet Day. The Office for Women, through the Women's Information Service, partnered with the YWCA in the development and delivery of the digital media campaign. Their campaign was delivered through the Women's Information Service digital media presence on the social media sites, including a Facebook site, Twitter and Pinterest.

Content was created by young women aged 13 to 18 during three one-day workshops. These one-day workshops provided these young women and their mentors with information about body image and the fact that it contributes to positive body esteem in order to provide a context for the creation of the campaign content. The content created was of incredibly high value, and I would certainly encourage members who have not viewed it to check it out via the Women's Information Service Facebook, Twitter or Pinterest.

To encourage greater involvement and engagement from all girls and women around South Australia in the campaign and to highlight the key message that character, skills and attributes matter more than size, weight or shape, volunteers also produced 'inner selfies', vignettes of objects that represent who they are and their internal character and sense of self-worth.

These 'inner selfies' were shared on the Women's Information Service Facebook page and other forums that have been provided by women from across South Australia. It is just a fabulous array of wonderful portraits. It was great to see the women of Roxby Downs, in particular, embrace their inner selfies with such enthusiasm that an exhibition was held at the Roxbylink Gallery in April 2015.

We know that parents in particular have a really important role in supporting the development of positive self-esteem. Throughout this campaign queries to WIS have revealed that parents

sometimes can lack confidence to discuss this with their children. In order to learn more about the information needs of parents and guardians who have concerns about their children's body image, WIS will be running a survey, starting from 12 August. This survey will also provide an opportunity to learn more about the forms of information delivery that would be most useful to parents to increase their confidence to have these conversations with their children around body image issues.

Empowering the next generation of South Australian women to have pride and confidence in themselves, their bodies and their attributes is incredibly important. I am pleased to be able to report on the reach this body image campaign has had, and I hope that the positive messages continue to be heard.

INDIGENOUS LAND USE AGREEMENT

The Hon. J.A. DARLEY (15:03): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills, representing the Attorney-General, questions regarding the Indigenous land use agreement for the Coober Pedy township.

Leave granted.

The Hon. J.A. DARLEY: On 17 June 2014, I asked a question with regard to the Indigenous land use agreement for the Coober Pedy township. In this question, I outlined that negotiations for an Indigenous land use agreement had been going on for three years; however, no agreement had been made. Another year has now passed, and I understand that there still has been no agreement. I am advised that, without an agreement, matters such as freeholding applications, boundary realignments and surveying plans of division have all stalled. My questions are:

1. Can the minister advise what the delay is?

2. Can the minister advise when an Indigenous land use agreement will be finalised?

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) (15:04): I thank the honourable member for his most important question. I will refer his question to the Attorney-General in another place and bring back a response. It is obviously a policy area outside of my portfolio, but I know from my experience as a former environment minister, when I had a little bit to do with some of these agreements, how incredibly complex these things can be, the level of sensitivities and the sometimes disparate nature of some of these communities that often hold a wide range of very differing views. To try to land on a point where everyone could be in agreement is often a very protracted process, but, as I said, I am not familiar with the details of this particular agreement and am happy to refer it to the Attorney-General.

WEBSTER, MR S.

The Hon. R.I. LUCAS (15:05): I seek leave to make a brief explanation prior to directing questions to the Minister for Sustainability on the subject of employees.

Leave granted.

The Hon. R.I. LUCAS: Mr Shane Webster has been a long-term adviser to the minister in various portfolios. The confidential ministerial directory in March of this year lists him as ministerial adviser for animal welfare, climate change and Zero Waste SA. My questions to the minister are:

1. On what date did Mr Webster cease employment as the minister's adviser in his ministerial office?

2. What were the circumstances of his ceasing employment in the minister's office?

3. Has Mr Webster's position in the minister's office been filled by another person?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): I will have to take those questions on notice and bring back a response.

RENEWABLE ENERGY

The Hon. G.A. KANDELAARS (15:06): My question is to the Minister for Climate Change. Can the minister outline the importance of renewables in building a low carbon future for South Australia and explain how renewables are helping drive investment in this state?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): I thank the honourable member for a fantastic question. At least someone in this place wants to get to the nitty-gritty of what really are challenging positions for this state's future and not muck around with covering up for federal counterparts at another level who, frankly, are driving us back into the Stone Age in terms of their approach to science. The Hon. Gerry Kandelaars, of course, understands that there are very important imperatives in terms of tackling action on climate change, the economic imperatives not being the least of them, and I am very pleased to see that some of these economic discussions are starting to occur in the community.

We know that, in order to succeed in the low carbon world of the immediate future, we need to decouple emissions growth from economic growth. This is something that has been recognised the world over, and it is, in part, the message that the former US vice-president Al Gore delivered to state environment ministers this week in Melbourne.

Key to this transition, of course, is going to be renewable energy. Al Gore told us that the expansion of renewable energy in the United States has been proceeding apace. More people are employed in the renewable energy sector in the United States than in the coal industry, he told us. Renewable energy provides jobs, helps cut emissions and provides a cheaper source of energy.

Here in South Australia, we are committed to providing the certainty needed to ensure our state capitalises on the nearly $2 trillion of renewable investments projected for the Asian region to 2030. We have already had some $6 billion of capital investment in renewables, 40 per cent of which has been spent in our regions.

Our actions stand in stark contrast to those of the Liberal Party. The Liberal Party likes to talk about sovereign risk, but their actions do nothing but create sovereign risk. The fact is, undoing the bipartisanship that used to exist around the federal Renewable Energy Target and attacking ARENA and the CEFC have done serious reputational damage to Australia, something reflected to me in private conversations with business leaders around the country. The Liberal Party are stuck in the past and it is the very dim distant past, because the recent Liberal past has not been all that bad in comparison to the current Prime Minister's government.

This current Prime Minister we are suffering under has declared war on renewables. Coal is good for humanity, he says. He has labelled wind farms as noisy and awful, and on Monday the Prime Minister stated that 23 per cent of renewable energy generation is 'more than enough'.

Let's be quite clear: tilting at windmills is not just the speciality of the federal Liberals. Those opposite are gold medallists at it, as well; they do not like renewables. What this place needs is more Liberals like Sarah Henderson, federal member for Corangamite. Ms Henderson has stood up to the Prime Minister's attack on wind and solar energy through his silly instructions to the Clean Energy Finance Corporation. 'Wind and small-scale solar should be included in the CEFC mandate,' she said.

Contrast her actions to those opposite in this place. What did we hear from those opposite when Tony Abbott threatened the renewables investment pipeline in this state? Not a word. Instead, they decided to launch an inquiry into wind farms, one that has no scientific or expert support but it can, of course, damage renewable investments and jobs in this state by creating uncertainty. I am told that there is almost $4 billion of potential wind farm investment that has already received developmental approval in South Australia.

The Hon. D.W. Ridgway: Why haven't they invested then?

The Hon. I.K. HUNTER: The Hon. Mr Ridgway is asking incredulously, 'Why haven't they invested?' Just revisit the recent past with your Prime Minister saying to Alan Jones on the radio, 'We want to reduce it.'

Members interjecting:

The PRESIDENT: Order! This is not debate time; it is question time. Allow the minister to answer.

The Hon. I.K. HUNTER: These people opposite us have—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —no economic credibility, Mr President; no plan for jobs; no plan to capitalise on the low carbon world of tomorrow. They are stuck in the dim, distant past and want the rest of us to go there with them. It is really important to just go back a few years. At the time I thought those days were not all that pleasurable. However, in comparison to what we are hearing now they are paradise. There is no greater Liberal authority on emissions trading schemes than Mr Malcolm Turnbull. Yesterday I understand he eloquently explained emissions trading schemes to people. He said:

> There has been a distinction drawn in the debate…between a fixed-price cost of carbon which people particularly called a carbon tax and one that is floating because it is related to the purchase of permits and that, of course, the price of permits depends on supply and demand and that's an ETS.

Mr Turnbull is also well versed in direct action, penning a piece back in December of 2009 entitled 'Abbott's climate change policy is bullshit.' He would know. After all, he, along with John Howard, proposed an ETS as far back as 2007. Why did the Liberal Party of Australia propose an ETS? As Mr Howard said at the time:

> It is fundamental to any response both here and elsewhere that a price be set for carbon emissions. This is best done through the market mechanism of an emissions trading system.

This was prime minister Howard interviewed on Radio 3AW Melbourne, 9 May 2007. And as Mr Peter Costello has explained in the past:

> A market based solution will give the right signal to producers and consumers. It will make clear the opportunity cost of using energy resources, thereby encouraging more and better investment in additional sources of supply and improving the efficiency with which they are used. That has to be good for both producers and consumers and better for the environment.

That was Mr Peter Costello's speech, 18 January 2006. Why was all this being done? Let's turn again to those sage words of former prime minister John Howard. He stated:

> In the years to come, it will provide a model for other nations to follow. Being amongst the first movers on carbon trading in this region will bring new opportunities and we intend to grasp them.
>
> Australia has the physical resources, the human capital and the technological strengths to be a global leader in key low emissions technologies. We can be an energy superpower in a carbon constrained future.

That was former prime minister John Howard's speech, 17 July 2007. There was once a time when the Liberals were a party of markets; a time when they advocated for market-based solutions. You have to wonder how far they have strayed when China is set to introduce national emissions trading in over a year's time and it is our very own Liberal Party clinging to command and control responses. This Liberal Party is a sad reflection of what has gone before them.

SEX INDUSTRY REFORM

The Hon. R.L. BROKENSHIRE (15:13): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about prostitution.

Leave granted.

The Hon. R.L. BROKENSHIRE: In the 20-odd years I have been in this parliament, legislation around decriminalisation of prostitution has been introduced on a regular basis. Interestingly enough, almost without exception, on every occasion it has been introduced by a female member of parliament. As Minister for the Status of Women, what work has her office done on surveys and assessments across the state with women in South Australia as to whether or not they support the decriminalisation of prostitution?

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) (15:40): I thank the honourable member for his most important question and this wonderful opportunity to share with the chamber the enormous amount of support that an approach to the decriminalisation of prostitution has here in this state. It is overwhelmingly supported by men and women in this state, and that is why, when the private member's bill is introduced very soon, we hope that honourable members will listen and—

The Hon. T.A. Franks: It's already been listed.

The Hon. G.E. GAGO: It's already listed, is it? I beg your pardon. I knew it was in the other house. I look forward to its progressing through this house with the support of all honourable members. We know that the current legislation is quite simply ridiculous. It is unfair, unreasonable and basically a relic of the past. We currently have legislation that makes prostitution a crime, but it targets the prostitutes, mainly women, and does not seek to take on the customer—how absurd is that?

The fact that it is criminalised—we have a current position where prostitution is a criminal offence—is a complete relic of the past. These women and men deserve to be able to work in safe environments, to have their rights protected, particularly their industrial and occupational health and safety rights. I am of the strong belief that through a decriminalisation approach we can do this.

I cannot begin to provide all the feedback I have received from men and women around this. Wherever I go it is overwhelmingly supported. There are some operational details about the particular legislative approaches on which people are divided, but the general principle that prostitution should not be a criminal offence is generally well supported right throughout the states. I look forward to honourable members' support for this important piece of legislation, which we will have an opportunity to debate soon.

SEX INDUSTRY REFORM

The Hon. R.L. BROKENSHIRE (15:17): By way of supplementary question, as the Minister for the Status of Women and the Minister for Employment, does she endorse a 17 or 18-year-old woman being enticed, if it becomes legal, to take up a career as a prostitute?

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) (15:18): What I do endorse is the right for adult women to make choices and decisions for themselves. If they choose to work as a sex worker, they have every right, just like any other worker, to have industrial protections and occupational health and safety protections, just as any other worker would. That is what I endorse.

SKILLS FOR JOBS IN REGIONS

The Hon. T.J. STEPHENS (15:18): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills questions about the Skills for Jobs in Regions Program.

Leave granted.

The Hon. T.J. STEPHENS: The Skills for Jobs in Regions Program is curiously absent from the 2015-16 budget papers. When questioned by the very good member for Goyder during estimates, the Minister for Regional Development referred the question to the Minister for Employment, Higher Education and Skills in her portfolio. The 2014-15 budget refers to the program being expanded from 1 July 2014 to the tune of $213,000 per year for four years, with a goal of putting 6,000 more people to work over the next three years. My questions are:

1. Can the minister confirm that the Skills for Jobs in Regions program will continue in the 2015-16 financial year and beyond, as per the government's election commitment?

2. Can the minister confirm the number of people in jobs under the Skills for Jobs in Regions program in 2014-15?

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): I acknowledge the question of the honourable member—because I certainly can't thank him for it. This is a lazy opposition. Truly, I am almost speechless, but not quite, of course. If the honourable member had bothered to listen to anything that has been said in this place about WorkReady or bothered to go online, where there is a wealth of information about the new course, he would see that Skills for Jobs in Regions has been disbanded completely, because it has been replaced by Jobs First under WorkReady.

Skills for Jobs in Regions was part of the Skills for All policy program. The honourable member, I know, was asleep at the time, but Skills for All doesn't exist anymore. It's over; it's gone. That includes Skills for Jobs in Regions. What we've done is to create —

The Hon. T.J. Stephens: Was the Minister for Regional Affairs asleep when that was disbanded?

The PRESIDENT: The Hon. Mr Stephens, if you want to ask a question of the Hon. Mr Brock, have one of your colleagues in the lower house ask the question.

The Hon. G.E. GAGO: He is so lazy.

The Hon. D.W. Ridgway: We did under estimates, and he said, 'Ask her.'

The PRESIDENT: Well, let the minister answer.

The Hon. G.E. GAGO: Under WorkReady, we have taken out the best from our experience from Skills for All. We have listened to the industry and we've redesigned a system of training, including regional training, that better fits industry needs, is more closely linked to real job outcomes and where completion rates will be improved. That is what we have done under WorkReady.

Skills for Jobs in Regions was a program that was highly successful under Skills for All. It worked extremely well, because it was a program that particularly streamlined training activities to real industry and employment outcomes. It required a partnership between an RTO and an employer, and it delivered real jobs. It was a wonderful success. We've built on that and improved that through Jobs First under WorkReady.

Under Jobs First, there are two streams, and I would urge the honourable member to lift his finger and go online. All of this information is there and has been for quite some time. Under Jobs First, there are two streams and both of these are, as I said, streamlined training programs that are particularly targeted for programs in regions.

What we've done is expand Skills for Jobs in Regions. It had a very narrow focus. When we first set it up, it was mainly targeted at really significantly disadvantaged groups, like the chronically unemployed. We saw the great potential, we saw the pick-up, we saw the success rate of it and, as I said, we've built on that and improved it under Jobs First, where the scope is much broader.

It allows both accredited and non-accredited training, so the training program can be streamlined to meet specific employer and industry needs, and it also ensures that those people have the training pathways they need to successfully complete. If they need a top-up of literary skills or numeracy skills along the way, that can be added in as well. I urge the honourable member, as I said, to lift his finger, not to be lazy, and to just go and have a look at what we've done.

As I said, we are very much committed to delivering real jobs aligned with real industry needs, particularly to service our regional areas, because we certainly learned, under Skills for All, that one size doesn't fit all, that we need to have training programs that can be tailor-made to fit various regional needs. We know that each region has different economic drivers and a different business outlay, so it is important that we can streamline our training programs to meet regional differences and reach real employment outcomes.

SKILLS FOR JOBS IN REGIONS

The Hon. T.J. STEPHENS (15:25): I have a supplementary question. If we have learnt so much, how come we have the worst unemployment rate in Australia by a long way?

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) (15:25): Truly, this honourable member is one of the most ill-informed, badly read, ill-prepared—

The Hon. T.J. Stephens: Why? I'm wrong, am I? Our unemployment rate is not the worst in Australia?

The PRESIDENT: Order! This is not a debate; it is an answer to a question. Let the minister answer.

The Hon. G.E. GAGO: He is such a lazy member, Mr President. He comes into this place—

The Hon. T.J. Stephens: You're lazy for failing this state! You're a disgrace, an absolute disgrace—

The PRESIDENT: Order! The Hon. Mr Stephens, control yourself.

The Hon. G.E. GAGO: He comes into this place unprepared, Mr President—

The Hon. T.J. Stephens: —and you should be apologising to the people of this state rather than talking yourself up.

The PRESIDENT: Order! Hon. Mr Stephens, I have a lot more regard for you than the behaviour you are showing right now. The people of this state expect a little bit more respect and behaviour from our members.

The Hon. T.J. Stephens: It's about jobs, Mr President.

The PRESIDENT: 'It's about jobs', well, the fact is, though, you don't get jobs by abusing and attacking a minister while they are trying to answer your questions. The honourable minister.

The Hon. G.E. GAGO: Thank you, yes, I will just finish off quickly, Mr President. The honourable member knows that training does not create new industry jobs. Training prepares individuals for a skill set to be better equipped to work. It does not create new jobs out there in industry, so his premise is completely off the mark.

All the honourable member needs to do is pick up a paper or, as I said, go online and read anything about what is happening and he would know that South Australia has been faced with a number of very significant challenges that are resulting in unacceptable unemployment levels—unacceptable levels. It is something that we are working very hard to turn around. He knows that, with the challenges to our dollar, the heavy reliance on our traditional manufacturing automotive sector, South Australia has—

The Hon. T.J. Stephens: We haven't lost any jobs yet.

The Hon. G.E. GAGO: We have lost jobs

The Hon. T.J. Stephens: We haven't lost those jobs yet.

The Hon. G.E. GAGO: This is how—

The Hon. T.J. Stephens: We haven't lost those jobs yet.

The Hon. G.E. GAGO: We have; we have started losing jobs out there already and we have for a number of years.

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: This man is just so ill-informed.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: It is gobsmackingly embarrassing; it is embarrassing, Mr President.

The Hon. T.J. Stephens: Absolutely hopeless!

The PRESIDENT: This is bordering upon bullying. Now stop it; desist.

The Hon. T.J. Stephens: Yes, she should be bullied.

The PRESIDENT: You've asked a question; the minister is trying to answer it. Have respect for the fact that she is trying to answer it. You might not like the answer, but she is answering it. The honourable minister.

The Hon. G.E. GAGO: Thank you, Mr President. South Australia has had an economy that has been heavily reliant on the traditional automotive sector, and therefore changes to that sector have had a huge impact on our economy and on jobs. There is also our heavy reliance on commodities like iron ore; the price, as we know, has dropped significantly and that has also had a double whammy effect on us. Not to mention the triple whammy.

If the Hon. Terry Stephens really was genuine at all and sincere about trying to grow jobs in South Australia, he would be lobbying his federal colleagues, his federal mates who abandoned our manufacturing sector, who taunted Holden to leave South Australia and refused to provide assistance to that industry. It was his federal mates who have created this demise.

Countries all around the world heavily subsidise their car manufacturing industries, but no, not the Abbott Liberal government and not the state Liberal opposition. We know that that has already had a huge impact on jobs in this state. We know that overall this is going to have a devastating impact on jobs here in South Australia, with 1,700 jobs anticipated to be lost as a direct impact on Holden leaving; 6,000 jobs in the supply chain—6,000 in the supply chain—and 13,000 to 23,000 indirect. This is all because of the Hon. Terry Stephens' Liberal federal mates who have refused to support this industry. That's part of the triple whammy, and the other—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens, you have said it about a dozen times; it is not getting any more effective by repeating it, so allow the minister to complete her answer.

The Hon. G.E. GAGO: The other part of the triple whammy is, of course, the reneging on our submarine contract. Shame on the Liberal Abbott government! Shame on them. We were guaranteed that contract and now we see the federal Liberal Abbott government reneging, and what does the Hon. Terry Stephens say and do about this? Nothing, absolutely nothing. He sits there on his hands doing absolutely nothing, and he went to Germany last week—went to Germany! And how many jobs has he brought back?

The Hon. T.J. Stephens interjecting:

The Hon. G.E. GAGO: So he's talking up the subs to the Germans; what about talking up the subs to Abbott—the Abbott federal Liberal government? What about talking up the submarine contract to his federal Liberal mates who are quite prepared to simply renege on a promise? Shame on them, and shame on the Hon. Terry Stephens!

ABORIGINAL POWER CUP

The Hon. J.M. GAZZOLA (15:31): This is how you do it, Terry, to get an answer. My question is to the Minister for Aboriginal Affairs and Reconciliation. Minister, will you inform the council of the significant contribution Mr Don McSweeney has made in relation to the Aboriginal Power Cup held earlier this month?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:31): I thank the honourable member for his important question, for his interest in this area, and in anticipation of him listening to the answer to the question.

It is with great sadness that I rise today to speak of the loss of one of South Australia's most dedicated and passionate supporters of football and, in particular, young Aboriginal footballers. The Aboriginal Lands Cup is an annual event that sees young Aboriginal footballers from the remote Anangu Pitjantjatjara Yankunytjatjara lands and Maralinga Tjarutja communities compete ahead of a Port Adelaide Football Club match later on a particular evening. The game has been played every

year since 2004 and was originally developed in partnership with state government, Jack Johncock and Don McSweeney.

In fact, the annual event is now named the Don McSweeney Aboriginal Lands Cup. Don was passionate about the Aboriginal Lands Cup, not just for the exceptional football skills on display by the young players, but also because the program had been expanded to include career and personal development activities for the players. I know that this year the players participated in the two-month Remote Jobs and Communities Program to build the players' job skills and employment opportunities.

I know Don was incredibly proud of what the Aboriginal Lands Cup had grown into, and when I attended the match on 9 July this year, Don was there beaming with pride on the night that the two teams played that entertaining match. After the game, the winner's cup was presented by Don to the APY team who, on this occasion, were convincing winners over the MT team.

Don understood that the Don McSweeney Aboriginal Lands Cup was so much more than just about football. Don McSweeney gave 65 years to football and was inducted into the SANFL Hall of Fame in 2011 in recognition of those on-field and off-field achievements. There simply isn't enough time today to list all of Don McSweeney's achievements, but I will give a small snapshot.

Don started playing football for Cummins Football Club in 1945 and was captain for four years, best and fairest twice. He became president of the club in 1965, coach in 1970 through to 1979, a life member of the club in 1975, SANFL life member in 2004, SANFL league director, life member of Port Adelaide Magpies in 1993, and inaugural life member of the Port Adelaide Football Club in 1996. He received the SANFL service award in 2003 and the Medal of the Order of Australia for his services to Australian Rules Football in 2009. There is so much more I could list: service awards, merit awards, and many, many other awards. The game of football, our community and Aboriginal players, in particular, are indebted to Don for all that he gave on and off the field.

On behalf of the South Australian government I pass on my deepest sympathies to Don's family and friends on his passing, and express my thanks for the outstanding contribution he made to football, the football community and, again, in particular, his role in developing, supporting and showcasing young Aboriginal footballers participating in the Don McSweeny Aboriginal Lands Cup.

Don understood the transforming influence that football could have on individuals who play the game, on supporters who love the game and on the wider community. He understood, like many others—including Commissioner Mick Gooda, when Commissioner Gooda spoke at the reconciliation breakfast last month—just how much Aussie Rules has had a leading role in bringing Aboriginal people together and changing community attitudes in terms of Aboriginal affairs, as well as the community's view of Aboriginal people. I think it is timely that we again see some of the unfortunate attitudes in football that Don spent so much time combating, and that we have come so far from.

In the last week and the last few months we have seen negative community attitudes unfortunately played out on the football field again, with the recent booing of Sydney Swans champion Adam Goodes. It has been more than 20 years since Nicky Winmar lifted his shirt and pointed to his skin, showing his supporters, the people at that game and in the wider community that he was Aboriginal and he was proud. Many of us embraced Nicky Winmar for his stand, and remember that moment because it did change attitudes and behaviour. Fast forward 20 years, and we have crowds booing a champion. Unfortunately many of us, including Adam Goodes, know that their boos have much to do with his Aboriginality.

I am saddened, disappointed and, quite frankly, angry at the treatment of this champion, whose main sin in the eyes of many seems to be his temerity in calling out racism and his pride in being part of the oldest living culture on this planet. Taking such a stand is often what is required to change attitudes, and it is an exceptionally brave stand that Adam has taken. His current treatment is, frankly, a disgrace. In years to come I think we will look back and be ashamed of how we have seen some of the worst parts of our collective selves being expressed at football grounds this year. We should be celebrating a champion like Adam Goodes, a proud Adnyamathanha and Narungga man, a South Australian, a former Australian of the Year, a man who gives back enormously through his community work with Indigenous youth and his football academy.

Over the last week, in particular, much has been written and much has been said on the air about Adam Goodes and his treatment, and much of it has been heartbreaking. I watched his mum speak this morning on TV, herself a member of the stolen generation, about just how heartbreaking she sees her son's treatment. One of the more telling things was Adam Goodes' good mate Michael O'Loughlin, who said, 'When my seven-year-old son asked why the crowd are booing uncle', that is Adam Goodes, Michael O'Loughlin's son's godfather, 'that's when it really hit home for me. James said has Adam done something wrong and I said no mate.' Now Michael does not take his kids to the games anymore.

I love taking my kids to football games. We have not seen a Swans game, but how would I explain that to my kids? How do I explain to my kids why the crowd is booing Adam Goodes every time he goes near the ball? Do I explain to my kids that it is because he stands up for what he believes in, he stands up for the ill-treatment and dispossession of Aboriginal people, for the attitudes over so many years? He is proud of his culture, and these are things we want to instil in our kids. Do we have to try to explain to them that this is partly why he is being vilified on the field?

I hope Adam Goodes plays on; I know it is very difficult for him, but I hope he plays on, that he continues to take a stand. What he does is important, but I can understand if he decides it is all too hard; I can understand that. I think that if, because of this, he does stop playing football we will need to have a good hard look at ourselves and at ourselves as a society.

As Aboriginal Affairs minister I am distressed at the treatment of this very proud Aboriginal man. As a fan of football and someone who loves taking his kids to footy I am embarrassed that our game has come to this. As an Australian I am disgusted that the attitudes of the minority are having such a profound impact on an individual and on us collectively.

Honourable members: Hear, hear!

SOUTH AUSTRALIAN COOPERATIVES

The Hon. T.A. FRANKS (15:39): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation questions about cooperatives in South Australia.

Leave granted.

The Hon. T.A. FRANKS: I note that the opportunity that cooperatives can provide for socially, economically and environmentally sustainable employment in our state is great. In fact, around the world community cooperatives are fast gaining approval for funding by governments at all levels as the business model is one that inherently keeps jobs and profits in local communities.

The minister would be aware of the initiative of the former Ingham turkey workers, who hope to take over the now abandoned processing factory in McLaren Vale and set up a community cooperative working with local producers and other community stakeholders. I also acknowledge the recent work of the Minister for Agriculture, Food and Fisheries (Leon Bignell) in enabling a feasibility study to explore the business case for such a course of action.

The results of that study are now completed and indicate that the venture is viable, with the potential for 50 direct full-time jobs in the region and many more flow-on jobs, the potential to expand small, medium and large-scale poultry production in that region, and the potential for the factory to generate millions of dollars of economic activity in the region.

Unfortunately, there appear to be some bureaucratic obstacles that prohibit this kind of community cooperative from accessing funds and grants in the critical start-up phase for setting up the business, this red tape roadblock coming despite previous advice from departmental contacts indicating that this option would be possible for the Fleurieu worker–producer cooperative to gain such a loan through the existing structures. My questions to the minister therefore are:

1. Will the minister commit to assist the Fleurieu worker-producer co-op by removing the red tape roadblocks to access the requested $2 million loan from the state government for the purchase of the factory?

2. Will the minister commit to working on a plan such as setting up a cooperative development agency in South Australia so that other redundant manufacturing workers can also be

assisted in developing sustainable enterprises that make the most use of their skills to produce goods and services that are needed locally within our state and in some cases with potential for national and international markets?

3. What other courses of action will the minister undertake to support this and other cooperatives to flourish in our state?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:42): I thank the honourable member for her important questions, her support of industry in South Australia and her support of a cooperative model, whether it be in industry or in terms of how we relate to each other in here. I know that the member for Mawson, as the minister responsible, has met regularly with the proponents of this plan and I know that he acknowledges that they are doing a terrific job.

In terms of the various models of enterprise, I am not specifically aware of what barriers there might be for a cooperative model, but I am very happy to talk to my department about whether there are in fact barriers that prevent access to funding, whether it is government funding or private sector funding, and if there is anything we can do as a government to help with that.

Matters of Interest

ADELAIDE BEER AND BBQ FESTIVAL

The Hon. J.M. GAZZOLA (15:43): On 10 July I had the pleasure of attending the inaugural Adelaide Beer and BBQ Festival held at the historic Brick Dairy Pavilion in the Adelaide Showgrounds. This is the first time since 1913 that this building has been used for an event of this kind.

This three-day event showcased the very best of South Australian, Australian and international beer and cider, with 36 exhibitors: 27 from South Australia, five national and four international. It was paired with a contingent of some of South Australia's best restaurant and chefs cooking up a barbecue bonanza in the beer garden. Over 150 products were showcased. Some were launched at the event and some were made specifically for the event. Local live musicians and DJs set an ambient backdrop to this heavenly festival of open fires, artisans and master chefs.

Despite the subzero ambient temperature, the organisers of this event, with key support from PIRSA, Network 10 and Coopers, managed to successfully attract 6,000 attendees over the three days. Directly employing 40 people, with another 100 working on site, this event was yet another feather to South Australia's brand cap that will no doubt support local industry and innovation well beyond the event itself. Gareth Lewis, on behalf of the three business partners, said:

> The ABBF team was overwhelmed and flattered by the response of the beer loving public to our event on the coldest weekend to hit the city in four years. We have already had praise and great feedback from event organisers in other states and significant interest from brewers for the 2016 event.

What really made this event great was witnessing the local bricks and mortar businesses which, instead of whining about competition, cashed in on the foot traffic that this event generated. The Goodwood Park Hotel was packed that evening, clear signage and a warm interior beckoning festival goers to continue their revelry. Further up the road, the Goodwood Institute and the South Australian Music Hall of Fame put on another sensational event celebrating John Reynolds' induction into their esteemed ranks. Yet again, this event was sold out.

I still fondly remember gazing in John Reynolds' Drum City as a young aspiring drummer of little means, dreaming about the new drum kits displayed and wondering how I was ever going to afford them. That was about 1996-67 for me and, with the introduction of decimal currency, the price seemed to double. I was horrified, thinking that I could never afford one. However, as he has done with many an aspiring drum hero, he made my and many others' dreams come true. This is despite the fact that I never have forgiven him for selling me Jim Chapin's book on independence, under instruction from Bruce Matthew, my teacher: it drove me crazy.

I was thrilled to hear that John Reynolds' commitment, contribution to and support of the music industry had been most deservedly acknowledged by his induction into the South Australian Music Hall of Fame. Premier Jay Weatherill had this to add:

> John Reynolds has been a significant part of the Adelaide music industry for more than three decades, as a celebrated musician and entrepreneurial businessman. When you mention his name to anyone in the local industry, the words that come back include supportive, generous and, of course, a recognition of John as a very fine drummer!
>
> I would like to congratulate John Reynolds on being inducted into the South Australian Music Hall of Fame.

In light of this, I must say that councillor Anne Moran's recent comments on pop-ups and Renew Adelaide ventures infuriated me, and I quote:

> It is a cancer—a necrotising fasciitis to have popups and Renew Adelaide going through.

The handful of people who Anne Moran advocates for are no doubt the same people who ring and complain every time there is a concert or an event in the city. Coupled with developers, these are the people who will turn the city into a well-resourced private retirement home for its elderly citizens and maintain Adelaide's reputation for being heaven's waiting room. The Adelaide City Council has applied to become an UNESCO music city, which could fail if the council continues to restrict artists from performing.

I cite another example: the Electra House Hotel's licence conditions prohibit live music. Only background music shall be permitted, so artists such as James Morrison, Joseph Moore, Guy Sebastian, the Germein Sisters or even a string quartet are excluded from performing at this multimillion dollar establishment—further evidence, I believe, that the Adelaide City Council should be excluded from planning and licensing in the CBD.

I respectfully request and urge the Liberal opposition to stop the whining and to get on board and support South Australia's young entrepreneurs. Rather than moaning about young people leaving Adelaide, they could join us in making Adelaide one of the vibrant entertaining cities of the world.

YELLOW RIBBON PROJECT

The Hon. A.L. McLACHLAN (15:48): I rise to speak about the Yellow Ribbon Project. This project was established in Singapore as a multifaceted national initiative which aims to help prisoners successfully reintegrate into the community by promoting public awareness and community support. The Yellow Ribbon symbol was taken from the 1970s song *Tie a Yellow Ribbon Around the Old Oak Tree*, which described a released prisoner's desire for forgiveness and acceptance.

The three core objectives of the project are: to create awareness of giving a second chance to ex-offenders; to generate acceptance of ex-offenders and their families into the community; and to inspire community action to support the rehabilitation and reintegration of ex-offenders into the community.

The project recognises that the community plays an important role in the creation of a supportive environment where offenders who display a desire to change can find the hope and tools to start life afresh and become a contributing member of society. Failing to get this support or to gain employment and losing motivation are often catalysts for reoffending.

The project runs a variety of programs which include the Yellow Ribbon Prison Run, which attracts 9,000 to 10,000 runners each year; community art exhibitions, featuring the artwork of prisoners and ex-offenders hosted at public venues such as the Singapore Art Museum; a professional certified culinary training program for prisoners seeking to gain skills and post-release employment in the hospitality industry; a peer mentoring program where ex-offenders return to prison and volunteer in the community to share their experiences with others and offer practical advice towards desistance and successful reintegration; and the Yellow Ribbon Fund Star Bursaries for financially disadvantaged ex-offenders to use towards vocational education and skills training to help their prospects of obtaining employment.

Despite being a relatively new campaign, the project has made significant progress with many key stakeholders and partners coming on board, such as Rotary and the Lions Club. The support that the project has managed to foster is partly attributable to the change in the organisational context of one of its key drivers—the Singaporean Prison Service.

The prison took a bold step back in 1999 to transform the organisation from a traditional command and control agency to an organisation more centrally focused on staff, stakeholder and

community engagement and the tailoring of rehabilitative approaches to each individual. As the director of the rehabilitation and reintegration division of the prison has explained, to start something external and for it to work, along with the people you need the system to support the cause.

If only we could say the same about South Australia's prison system. I fear these words would be lost on the Weatherill government, which prefers the mantra of rack 'em, pack 'em and stack 'em, with no focus on the rehabilitation of offenders. This has seen South Australia's prison population jump by 9 per cent in the past year alone. Since 2004, the growth in prisoner numbers in South Australia was seven times that of our net population growth. Worse still, over the last 10 years South Australia nearly doubled the rate at which it incarcerates Aboriginal and Torres Strait Islander people, with now nearly one in four prisoners being from an Indigenous background.

Apart from the obvious economic costs of this, there are far more serious and long-term consequences for our prisoners who struggle to gain employment and successfully reintegrate back into the community. This then leads to further reoffending and at the same time poses continued risks to our community's safety. In stark contrast, I look to the success of the Yellow Ribbon Project, which has generated huge support and positive outreach and permeated into all levels of Singaporean society.

The Yellow Ribbon logo is now universally recognised as a symbol of giving hope and second chances to ex-offenders. It has received international affirmation from the United Nations Department of Public Information and various other awards in Singapore. From 2004 to 2009 alone, 1.985 million yellow ribbons were distributed, 313,000 Singaporeans participated in their events, 807 new employees registered with its job bank, 908 volunteers signed up to help the project, $7.8 million was raised for the Yellow Ribbon Fund and more than 400 inmates and ex-offenders were mobilised for each campaign.

I will conclude by reading the vision statement of the Singapore Prison Service which was released when it took the bold step to transform itself, opening its door to positive and long-term change for the Singaporean community.

> We aspire to be captains in the lives of offenders committed to our custody. We will be instrumental in steering them towards being responsible citizens, with the help of their families and the community. We will thus build a secure and exemplary prison system.

I commend the Singaporean initiative to the Weatherill government.

AUSTRALIAN CONSENSUS CENTRE

The Hon. T.A. FRANKS (15:53): I rise to speak on why South Australian universities should 'stop the Borg' and reject the Bjørn Lomborg climate consensus centres as WA has done. As members would be aware, the University of Western Australia recently decided to decline $4 million offered to them by the Abbott government, having originally agreed to host Bjørn Lomborg's proposed Australian Consensus Centre. This came after an outcry from faculty and students who were concerned that Lomborg's views on climate change and other environmental issues were not based on the level of objective analysis expected of universities.

In response, Minister Pyne decried this decision as 'a sad day for academic freedom'. He voiced his concerns that staff at a university had silenced a dissenting voice rather than test their ideas in debate. The minister's words were also echoed by the Human Rights Commissioner, Tim Wilson, who weighed in on the debate condemning the University of WA for engaging in what he called 'a culture of soft censorship'. I agree with the words of Will Grant who says that universities censor bad ideas all the time; it is called learning. It is not a culture of soft censorship; it is a culture of rejecting soft science.

The Bjørn Lomborg Consensus Centre is now looking to be located at Flinders University of South Australia, and I note that it has been met within the academic community there, with similar concerns, most notably voiced by a PhD candidate, Josh Holloway, who is also a former member of the Hon. Mark Parnell's staff. He notes that in fact the idea of bringing Lomborg to Australia was established through minister Pyne himself, who could find $4 million for such a centre in what is a very cash-strapped academic environment where universities would be sorely tempted to take this money and run. To the credit of the University of WA—and I hope that Flinders University of South Australia will follow suit—this soft science has been rejected by that institution.

Indeed, Lomborg has a weak academic record. In terms of qualifications he is a political scientist—not a climate scientist, an environmental scientist or an economist—I repeat: he is a political scientist. In fact, the vast majority of his work has been published outside of the peer-review process through which the credibility, accuracy and validity of academic ideas are, of course, tested. He has an exceptionally low H-Index, which is one of the leading measurements of the peer-reviewed publishing history of an academic, and the impact factor of that published work.

He has certainly championed his ideas and I note that he has previously, in his homeland, had this consensus model funded by the government but it withdrew that funding some 2½ years ago. What I would say in this time of advocating of free speech, this free speech is not free; it comes at a $4 million cost to the taxpayer.

If it is to be based on what I would see, and certainly other academics have derided, as soft science, then why on earth is the Abbott government finding $4 million for a think tank that is not even credible? We have a climate emergency before us as a planet; we only have one planet. Our universities are cash strapped as it is and they should be leading the way on real science, and we must be getting real action on climate change in this country. The Consensus Centre is not real action and it is yet another diversion by the Abbott government on taking what I would call real direct action.

SREBRENICA GENOCIDE

The Hon. G.A. KANDELAARS (15:57): On Saturday, 11 July I attended a commemoration ceremony for the Srebrenica Genocide at the Bosnian and Hercegovina Muslim Society of South Australia Club, on behalf of the Hon. Zoe Bettison, minister for Multicultural Affairs.

The Srebrenica Genocide occurred in 1995 in the Bosnian town of Srebrenica. Although designated a United Nations safe area, the town became the scene of the worst massacre in Europe since the Second World War. Thousands of civilians had taken refuge in the town, fleeing earlier Bosnian Serb offensives, and were under the protection of a lightly-armed Dutch force working on behalf of the United Nations. From 6 July to 8 July 1995, Bosnian Serbs laid siege to Srebrenica, and the Dutch commander requested air support, but it was slow in coming. The Bosnian Serb forces took 30 Dutch soldiers hostage and, when the airstrikes were ready, they were postponed to protect the Dutch hostages.

On 11 July, the Bosnian Serb commander, General Ratko Mladic, entered the town, met with the Dutch commander and delivered an ultimatum that the Bosnian Muslims hand over their weapons to guarantee their lives. On 12 July, buses arrived to take women and children to the safety of Muslim territory. It was then that the Bosnian Serb forces began to separate all the men and boys. It is estimated that 23,000 women and children were deported in the next 30 hours while the men were held in trucks and warehouses in Srebrenica.

About 15,000 Muslims, Bosnians, escaped overnight and were shelled as they fled through the mountains. After negotiations with the United Nations the Dutch soldiers were permitted to leave Srebrenica. In the first five days that the Bosnian Serbs overran Srebrenica, over 8,000 Muslims, Bosnians, mainly men and boys, were killed and buried in more than 60 mass graves.

Early reports of the massacres emerged on 16 July, as the first survivors of the long march from Srebrenica began to arrive in safe territory. Twenty years on the name of Srebrenica is known around the world because of what happened during this tragic and significant time in history. Srebrenica, as it was, was a small mining town where people lived, worked and raised families. Now, near Srebrenica, there is a memorial and graveyard that is beautiful, quiet and contemplative. It is a place of peace, a place to remember with love, despite the tragedy that can never be forgotten.

South Australia welcomed many Bosniak refugees from Bosnia during the Balkan wars. I acknowledge the significant contribution they have made to our South Australian community over the past 20 years. They have navigated a difficult journey of understanding a new culture and building a new life in a place on the other side of the world. The Bosnians brought with them their memories, their traumas, their loss, but they also brought with them hope for the future. The following poem is a poignant commentary of the impact of the Srebrenica genocide:

My dearest father,

I never got to hug you,

I never got to kiss you,

I was in mother's womb when they took you away from us, they took you away from Srebrenica.

My dearest father, I grew up without you,

Without your smile, without your touch.

Today I stand by your grave,

And I pray while thousands of tears are falling down my face,

Just like the thousands of innocent Bosnian people.

My dearest father, green grass covers your grave,

Green grass keeps you warm while my tears are falling down,

My mother's tears,

Tears of Srebrenica,

And tears of Bosnia,

My dearest father.

Sadly a recent resolution of the United Nations Security Council to declare the Srebrenica massacre a genocide failed as a result of a Russian veto. Despite this, what happened at Srebrenica must never be forgotten. We must never forget the Srebrenica genocide: it was a blight on our humanity.

MINISTERIAL TRAVEL

The Hon. R.I. LUCAS (16:02): The Liberal Party supports ministerial travel, ministerial travel conducted on the basis of the need for official business and in which reasonable expenses are incurred on behalf of taxpayers. The recent controversy in the public, and the public anger towards travels by the Minister for Tourism, Mr Bignell, has been because members of the public, and indeed many of us, believe that a number of the minister's claims have not been reasonable claims.

It is my view that the minister has been a serial offender, involved and engaged in a systematic breach of government rules in relation to disclosure of travel expenses. It is not reasonable in my view to be spending $739 of taxpayers' money to go to the NRL grand final and to have the car waiting for you and your guest for 90 minutes. It is not reasonable to have a lunch for just one person at the exclusive Rockpool restaurant for $138 whilst you are enjoying a $70 bottle of Pannell shiraz. It is not reasonable to have lunch just for yourself as minister and your ministerial adviser, and no other business people, at a cost of $248 in Edinburgh whilst you enjoy a $100 bottle of Argentinian malbec. It is not reasonable to be claiming a hotel bill for accommodation in the central business district of Adelaide, even though you happen to live in Adelaide. It is not reasonable, when going overseas to Glasgow, ostensibly for the Commonwealth Games, that the minister and his ministerial adviser had a weekend stopover in Frankfurt.

It is not reasonable that the minister has, in my view, breached his own government's rules and guidelines for the disclosure of all of his travel expenses. There are many unanswered questions as to whether or not the minister has revealed all the expenses in relation to his overseas and national travel. For example, in May 2014, there are no accommodation invoices for the minister and his ministerial adviser for two nights that were spent in Cairns en route to China.

In July 2014, there is no invoice for accommodation for the minister or his adviser for two nights' accommodation in Glasgow. Nothing is revealed either on the minister's account or the ministerial adviser's account. In March 2015, for a trip to Hong Kong, for three nights' accommodation, there is no accommodation invoice revealed for either the minister or his chief of staff for that particular element of the trip.

There are a number of other examples where details of accommodation for one room have been made available but details of accommodation for any second room have not been made available either on the minister's disclosure account or the adviser's disclosure account. One of the many examples of that is in Edinburgh, whilst he was travelling there for the Commonwealth Games.

It is unsurprising that there is so much public anger at the minister's arrogance and behaviour. At a time when struggling South Australian families are being smashed with ever-increasing bills, such as the ESL that has been imposed on them in the last 12 months, struggling as a result of cuts to critical services such as the Repatriation Hospital and services to be provided from emergency departments, it is no wonder that people are furious at people like minister Bignell and others, whose arrogance has been apparent in trying to defend their spending of more than $150,000 in a single year on overseas and other travel. It is no wonder, as I said, that that has stunned almost everyone in the South Australian community.

As many in this chamber will know, it is not just members on the Liberal side of the chamber who are raising concerns about these issues. There have been many Labor members in the corridors of this house who have encouraged Liberal MPs to raise public concerns about the behaviour and expenditure of minister Bignell over the last year or two.

PARK LANDS ZONE DEVELOPMENT PLAN AMENDMENT

The Hon. M.C. PARNELL (16:08): I rise today to talk about the fate of Adelaide's iconic and heritage-listed Parklands. Last night, I attended a meeting of the Development Policy Advisory Committee. This meeting was called to hear from some of the 168 persons and organisations who took the trouble to write submissions against the government's proposed Park Lands Zone DPA.

This DPA is a statutory document that effectively sets out the planning rules for building and other development in the Parklands. What the planning minister is trying to do in this document is to undermine promises that his government made back in 2005. They were promises made to the South Australian people and the South Australian parliament.

When the bill was debated and passed, the Adelaide Park Lands Act was designed to provide a high level of protection for the Parklands against arbitrary government decision-making and to ensure the proper involvement of the Adelaide City Council and the broader public. The act specifically provided that the government would not be able to fast-track contentious developments in the Parklands.

The act made consequential amendments to the Development Act which ensured that ministers would not be able to sign off on government infrastructure projects without community input. Also, the government would not be able to declare projects in the Parklands to be major developments because, as we know, decisions on major developments are political decisions; they are made by the government through the Governor. They cannot be appealed or challenged in any way. So the parliament and the government recognised the significance of Adelaide's Parklands and they deliberately restricted the ability of the government to ram through projects. However, all that is about to change.

The DPA released by the government and the subject of last night's meeting is a dishonest, blatant, arrogant and shameful breach of this government's own legislation and its own promises. It effectively rewrites all of the public participation rules for a huge list of infrastructure projects to be built in the Parklands. It does this by reclassifying infrastructure projects from category 3 to category 1. This means that new roads, railways, sewerage works, power stations or prisons could be built in the Parklands without going through any form of public consultation. Decisions would be made by the government's hand-picked Development Assessment Commission and would not be subject to any challenge, even if seriously at variance with the planning scheme. This is an absolute disgrace.

The trigger for this change to the planning rules has been a number of projects, including the O-Bahn city access project, with its controversial tunnel and road through Rymill Park, but the scope of the change goes much further and includes vast tracts of parkland around Adelaide and North Adelaide. In relation to the O-Bahn, there is clearly a wide range of divergent views that deserve to be considered. We have established a select committee in this place to look into it, and I look forward to participating in that process. Personally, I think there are elements of the O-Bahn project that have a lot of merit, but there are other aspects that are seriously problematic.

The Greens strongly support public transport. I am a founding member of the group People for Public Transport and I have written a book called *Greening Adelaide with Public Transport*. We

believe that South Australians should not have to choose between good public transport and high-quality parklands; they deserve both. We do not need to sacrifice one for the other, but we do need to address congestion on our roads, particularly when it is holding up the buses.

The government does need to pay attention to community concerns. That is why I am opposed to this government's planning change. I said that it was a dishonest move, and here is why. Back in 2005, when the Adelaide Park Lands Act was being debated in parliament, the member for Morphett, Duncan McFetridge, said on 29 November:

> My understanding of this legislation is that no new roads will be put through the Parklands. I hope that I can get an assurance from the minister that that will be the case.

What was the minister's response? Minister John Hill said:

> The issue of whether or not new roads could be created was raised by the member for Morphett. I can assure him this legislation does not allow new roads. If the government wanted to put a new road through it would have to introduce legislation to achieve that, and I think that is the appropriate thing.

So, there you have it. The minister said no new roads through the Parklands without legislation in the parliament. The government is now trying to use a sneaky and underhanded device to undermine its commitment to protect the Parklands and to protect the rights of public participation. Clearly, the government does not trust the community to have a sensible debate about public infrastructure in the Parklands. Instead, they want to bulldoze through their plans by removing opportunities for citizens to be involved.

If this Parklands DPA is any indication of what the government has in store in future changes to the planning system, then we should be all very worried. Clearly, the government does not care about citizen participation, it does not care about putting people back into planning and it does not care about its promises to parliament.

The ACTING PRESIDENT (Hon. A.L. McLachlan): I understand the Hon. Mr Lucas will replace the Hon. Mr Ridgway.

MINISTERIAL TRAVEL

The Hon. R.I. LUCAS (16:13): As I indicated earlier this afternoon, the Liberal Party position is that we support reasonable expenses on overseas travel for ministers, as long as it is being conducted for official business. I indicated that, in relation to minister Bignell, the public controversy was because of unreasonable expenditure and the fact that there were many unanswered questions. Minister Bignell has sought to defend himself last week and again today by making a number of claims. Today he said words to the effect of:

> That's incorrect that statement to say that it wasn't publicly disclosed. Everything that we spend in our office is put up as soon as possible, usually at the end of the month when the expenditure has taken place.

Last week, he said:

> The reason that the member for Unley only has the receipt of my bill is because he only FOI'd me for that particular travel and not any ministerial advisers. The reason there is nothing for August 2014 in my disclosure about my credit card is because it was not used in August last year.

I note that the minister got it wrong. It wasn't actually Mr Pisoni who was making the FOI requests, there were other Liberal members, but we will put that to the side. I want to quote what the actual government policy is, as opposed to the minister's claims. Circular PC035, Proactive Disclosure of Regularly Requested Information, is a DPCC circular and states:

> Cost of travel—means any expenses related to the travel, excluding salary costs, paid for out of the budgets of Ministers and/or agencies…This policy provides that the following information will be proactively disclosed to the public by online publication:
>
> 1. Details of credit card expenditure for all cards held by Ministers, Ministerial staff and the Chief Executives of agencies subject to this policy.
>
> 2. Details of Ministers' overseas travel arrangements, including the cost of travel paid for out of the budgets of Ministers and/or agencies.

Those rules make it quite clear that minister Bignell, as I said, has been a serial offender and has been engaged in a systematic breach of the government's policies in relation to disclosure. The

claims from minister Bignell, both last week and today, are demonstrably wrong, and I note that this particular claim has been supported by Speaker Atkinson who has tweeted in the last few days:

> F for fail, @DavidPisonMP: He FOIed Minister's hotel bill & tried sleazy imputation but forgot to FOI staffers' bill. Came a gutzer (again).

Both the minister and Speaker Atkinson are wrong. The government's rules require disclosure of all overseas travel by ministers which relates to any expenses in regard to their travel, including salaried costs. The total costs have been released, and the minister argues that the costs of the staff member together with the minister have been included in the overall travel costs, but the detail of that expenditure—the invoices of hotel accommodation, rooms booked, limousines etc.—has not been released, as required, under that particular policy. Some information has been gathered through FOIs from Liberal members of parliament.

As an example, in July and August of last year when the minister headed to the Commonwealth Games in Glasgow and Edinburgh, minister Bignell's credit card for July and August shows no credit card activity at all. That is, the claim is that the minister did not use his credit card at all for any cost of expense whilst travelling overseas. There is no accommodation listed on minister Bignell's credit card account.

His ministerial adviser for July and August has lodged returns, but those returns indicate no invoice or account for accommodation for either her or for the minister. So, for July and August on this particular trip, contrary to the minister's claims and contrary to the policy that requires it, there is no invoice or detail for the accommodation cost, the nature of the expense of that particular aspect of the trip.

I give another example: in the minister's stopover with his adviser in Frankfurt, FOI has revealed that $494 was spent on a limousine service for the minister and his ministerial adviser, but again that particular $494 cost has not been revealed on the minister's account or, indeed, on the staffer's account in relation to that particular aspect of the travel. There are many other unanswered questions that only minister Bignell can respond to, and if minister Bignell will not provide those answers, the Premier must direct him to provide those answers and be publicly accountable to the people of South Australia.

Parliamentary Committees

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (16:20): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

The Hon. R.I. LUCAS (16:20): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. R.L. BROKENSHIRE (16:20): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (16:21): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

SELECT COMMITTEE ON EMERGENCY SERVICES REFORM

The Hon. R.L. BROKENSHIRE (16:21): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015, immediately after the Budget and Finance Committee report.

Motion carried.

SELECT COMMITTEE ON SKILLS FOR ALL PROGRAM

The Hon. S.G. WADE (16:22): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

SELECT COMMITTEE ON ACCESS TO THE SOUTH AUSTRALIAN EDUCATION SYSTEM FOR STUDENTS WITH DISABILITIES

The Hon. S.G. WADE (16:22): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

SELECT COMMITTEE ON STATE GOVERNMENT'S O-BAHN ACCESS PROJECT

The Hon. J.A. DARLEY (16:22): I move:

That the time for bringing up the committee's report be extended until Wednesday 18 November 2015.

Motion carried.

Bills

STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 July 2015.)

The Hon. D.G.E. HOOD (16:23): I rise to speak to the Statutes Amendment (Decriminalisation of Sex Work) Bill. As we know, this is an incarnation of the member for Ashford's bill, which lapsed last year in the other place due to the prorogation of parliament. Mr President, I imagine it will surprise neither you nor anyone else in this chamber that I rise to oppose this bill. For members' convenience, I indicate that this will be a reasonably lengthy contribution in the order of about 75 minutes or so—

The Hon. T.J. Stephens: You warn us.

The Hon. D.G.E. HOOD: That is right; I offer that as assistance for members planning their whereabouts and commitments this afternoon. South Australia is not new to attempted legislative reform in this area. In fact, I believe this is the ninth attempt at changing our current legislation. Family First is opposed to total decriminalisation as we believe the evidence shows that this model will fail in its primary object, as stated by the mover, to prevent violence against prostitutes, and will not provide the protections that are touted to come under this model. My primary thesis in my argument today is exactly that: that this bill fails, I believe, in its primary objective, which is to protect those who are involved in prostitution.

I would say to members in this place, even those who are somewhat predisposed to supporting a reform in prostitution legislation or legislation around sex work, as it may be referred to, that whilst I understand that people might take that position, none of us want to see harm done to prostitutes or sex workers under any circumstances. I am sure that is true of all of us in this chamber. However, in my view, this bill fails in that regard, in its primary objective. I would say as strongly as I can to members who are considering supporting legislation to this end that this is not the bill to support, and I will outline in some detail my reasons for holding that view.

Undeniable proof that this bill fails in its primary objective (to provide protection for violence against prostitutes) can be seen on 18 July this year, just a couple of weeks ago, where *The Advertiser* reported that three women were assaulted in a Seacombe Gardens massage parlour after four men broke into the premises at about 1.30am. A confrontation between the assailants and a man staying at the premises also occurred and one woman was taken to nearby Flinders Medical Centre with lacerations to her head. The matter was reported to police.

The main justification for the reform of this legislation is that these matters are not reported to the police. That is not the case. This matter was reported to police, who took action against the perpetrators and, most significantly, not against the victims of the violence; that is, the particular women involved in prostitution at the premises at the time. That is an example from just less than a couple of weeks ago where the law worked perfectly in that the perpetrators were pursued by the authorities and the victims were not, as it should be.

This incident from just under a couple of weeks ago makes it clear that the claim often used to justify this sort of legislation—in particular this legislation, namely that prostitutes who are victims of violence do not report for fear of being charged—is false and simply not supported by the facts, as was the case within the last two weeks. It is an argument often used but not supported by the facts, as the events I have just outlined have proven.

This is just one of the very many similar occurrences that could be cited in order to rebut the unsubstantiated claim that these incidents are not reported to authorities. Indeed, how would anyone know that these incidents occur at all if they are not reported? We need strict laws that penalise those who are violent towards those in prostitution (and women in general) rather than proposing to introduce the most lax, laissez-faire decriminalisation model in the country, as this bill seeks to do.

Turning to the specifics of the bill, we see a number of serious shortcomings. I will briefly outline those issues before discussing them in depth later in my contribution this afternoon. Fundamentally, this bill, as I said, fails in its primary aim, to protect prostitutes and the wider community, and specifically in the following ways:

1. It places no restrictions on where soliciting or prostitution can occur, thus the resulting increase in public and private nuisance—no restrictions.

2. It allows brothels to be set up in any location without appropriate oversight, management or restriction on the number of prostitutes working on site at any given time or at the place designated.

3. It will proliferate the number of people engaged in prostitution, as I will argue and outline later.

4. It legitimises pimping, placing prostitutes in greater danger than they already are.

5. It removes the police's right of entry and oversight, again placing prostitutes in even greater danger than they currently are.

6. It creates ambiguities in the return-to-work legislation, and the cost will be borne by already burdened taxpayers.

7. It does not afford appropriate antidiscrimination provisions.

8. It places oversight and regulatory burdens on already overworked and under-resourced local councils that, according to representatives, are ill-equipped for what will be required of them under this bill.

9. It will potentially proliferate explicit sexualised advertising on billboards and other public places, including radio and even television, as we have seen in some jurisdictions.

10. It will dramatically increase the occurrence of street prostitution, so-called street walkers.

I will discuss ways in which this bill ignores the interplay between prostitution and organised crime and how it does not afford appropriate protection to those the bill seeks to protect. I have no doubt

that the bill is presented in good faith, and I have no doubt that it is presented with the best intentions, but, as I have said, I believe that it fails on at least the measures I have just outlined.

Similarly, I will provide examples of how similar legislation has failed in other jurisdictions and demonstrate to honourable members the types of appalling behaviour we can expect to see should this bill come to pass. This bill, if passed, will change our society significant and it will certainly not be for the better.

First, I turn to the issue of no restrictions on soliciting specifically in this bill. Referring to my first criticism of the bill, there are no limitations or restrictions where a prostitute can solicit, and this will increase public and private nuisance complaints substantially. Unlike New South Wales, where soliciting cannot occur within 100 metres of a church, school or residential zone, this bill is silent as to any reasonable restrictions of where soliciting could occur.

It would be possible that someone could solicit or operate at a premises near a school, at the school gate even, or at the place of a religious ceremony, a church, a hospital, a nursing home, in a quiet neighbourhood, outside your house—indeed, anywhere, anytime. This may sound sensationalist, but I can assure you that it is not; it is permitted by this bill.

Hornsby council in New South Wales, in 2014, was in a stoush with two brothels operating within 50 metres of Hornsby High School. Similarly, a massage parlour in the same district was offering sexual services right next to a tutorial service for children. In October 2008, a brothel was found in the same building as a childcare centre. The director of the childcare centre said that they did not believe that they had any legal avenues to stop this practice as sex work had been decriminalised in that state, as this bill seeks to do here.

At a sex industry forum last year, Ari Reid, representing the Scarlet Alliance, made a statement to the effect that prostitutes are not a threat to children and should be able to conduct their sex work in proximity to schools and in other areas that are child focused. This arguably would include the family home. Family First is strongly opposed to this. Families want safe streets and vibrant communities; this bill is a threat to exactly that.

In leaving unaddressed the location for where sex services can be procured, this also leads to the issues of where sex may be bought and consumed. Whilst there are public order laws, other states and countries that have decriminalised sex work have found that there are significant issues with where prostitution occurs. One would hope that public parks and streets will be safe and free from such behaviour, but it is quite the contrary: public sex acts in return for payment have become quite normal in some places. Indeed, this bill raises numerous issues relating to the comfort and quiet enjoyment of one's home and the potential for both private and public nuisance complaints.

Of course, some may argue that decriminalisation will not affect the comfort and quiet enjoyment of one's home; however, this has not been the case in places such as New South Wales and New Zealand, both of which have decriminalised models of prostitution similar to what this bill seeks to enact.

A resident of Darlinghurst, New South Wales claims that she and her husband frequently witness prostitutes performing sex acts on men in a park out the front of their house. As if this is not enough, she reports that sex acts are in the middle of the day. She is quoted in the *Daily Telegraph*, on 9 November 2014, as saying:

> On a Sunday, I can walk out my front door and see a girl giving a guy oral sex in broad daylight.

She continues:

> We've had guys stripped naked in the park, we've seen prostitutes have their children with them while they are doing drugs.

She further reported that one woman punched her husband in the face after he called the police to have them removed away from their home. Another person from the same neighbourhood reported frequently being woken in the middle of night by prostitutes who were screaming outside her window and who appeared to be high on drugs. This is what happens when the situation is completely unregulated.

In New Zealand, several councils have had to actively take steps towards combatting the social change due to street-based prostitution. Manukau City Council has noted in the New Zealand Ministry of Justice report on the review of street-based prostitution in Monukau City in 2009:

> Reported significant issues. Having to install and monitor CCTV cameras in trouble areas. Implement crime prevention guidelines and increase street lighting and cleaning.

After reviewing these measures, the council reported having to increase the number of public rubbish bins, having to keep public toilets open 24 hours a day, having to further increase lighting and to make available disposable needle kits. Notably, the council reports that their environmental cleaning contractors had to attend to waste up to three times per day in the areas that street prostitution is most prevalent.

Of course, these increased services will come at a hefty increase in rates for the ordinary ratepayers of the area. South Australians already feel a significant tax burden. We have an ever-increasing unemployment rate and we hear increasing reports of middle-income families seeking assistance from welfare groups to feed their families and otherwise. We cannot afford any more financial burdens on the family and yet this bill will see an increase in rates, I believe, and other enforcement measures will rise as a result and be ultimately passed on to the public.

The council reported receiving a dramatically increasing number of complaints about street-based prostitution which has caused distress to residents over several years. The council also further noted in the report the considerable time and resources it had invested in regulating prostitution. Residents and local business owners have reported rowdy, offensive and intimidating behaviour by those associated with the sex industry.

Some of the main common complaints noted in the New Zealand Ministry of Justice report included sexual activity in inappropriate and very public places; fights between those selling sexual services; abuse shouted at passing drivers; abuse of walkers passing by; increased littering, including things like syringes, condoms, bottles, food wrappers, human waste and even sexual aids; generally increased noise and nuisance; members of the public being propositioned randomly, unexpectedly and certainly unwantedly; a substantially reduced sense of public safety in the area affected, as the report outlined; and even a steep decline in property values in some areas. This is outlined in the report. Similar complaints were raised by Christchurch council. Ngaire Button, the former deputy mayor of Christchurch, has reported:

> The street walkers fight about possession. They yell at each other across the road and argue, make a racket, and the cars are stopping… and there's the mess in people's yard because there are no toilets. So they've been using people's yards as toilets. Then there's the condoms and needles and other things in people's front yards and around the property and on the streets. And husbands being solicited in their driveway as they come home from work. Pimping as been an issue too. A council colleague has been to Manchester Street to talk to some of the girls. There are guys behind them with baseball bats. The exploitation has caused great problems with drug addiction.

As you can see, incidences of public and private nuisance have substantially increased post-decriminalisation in that part of the world. This proposed bill is not the making of a vibrant community where families feel safe and has the potential to be the making of a community fuelled by antisocial behaviour, as reported in New Zealand. I am sure this is not the South Australia that members of this chamber would like to see.

The Christchurch council tried to limit the placement of brothels after their law change, but was taken to court by a man who actually owned three brothels. The council lost the case which cost ratepayers in excess of $100,000. Decriminalisation placed a huge social cost and burden on the council to manage the brothels within the city.

It was claimed that decriminalisation would make prostitution safer; however, the former deputy mayor of Christchurch, Ngaire Button, said she was not aware of any prostitute being murdered before the sex industry was decriminalised, yet since that time three Christchurch prostitutes have unfortunately been murdered. The law was supposed to make it safer for these prostitutes, but Ms Button reported that the law was not effective.

Similarly, prostitutes reported to the New Zealand Prostitution Law Review Committee that they felt the law had little effect on their perception of safety and reduced violence. That is the

prostitutes' own interpretation of the reform. This issue alone is sufficient to oppose the bill but, nonetheless, I turn to the others that I have outlined at the beginning of my contribution.

My second concern is that there are no appropriate restrictions placed on brothels in this bill. Under this bill there is no restriction on the number of brothels that can be set up, nor is there a restriction on the number of prostitutes allowed on premises at any one time or who might run the brothels, nor is there a restriction on the number of brothels one person could run. Potentially, South Australia could have brothels hosting up to 50, 100 or even more prostitutes at any one time. Under this bill, that same person could be in charge of another two brothels down the street which employ another 25, 50, or however many more prostitutes, which gives rise to questions about the effectiveness of a person's ability to appropriately manage such premises.

In recent times, applications have been made in Sydney for a super brothel hosting potentially upwards of 80 prostitutes at any one time and opening 24 hours a day. There is no reason to suggest that South Australia would not follow suit. Notably, both Queensland and Victoria—this is a significant point—prohibit more than 13 staff being in the premise at one time and yet this is a sensible option and certainly would be more effective for the monitoring of occupational health and safety issues. However, this bill is silent on such sensible restrictions which could give rise to issues with crowding, hygiene, amenity, planning, development, safety and other issues.

In addition, the bill provides no limitations on who can actually frequent a brothel either. The bill fails to provide adequate protection such as including a fit and proper person test, a requirement for background checks to determine suitability, including any known or reasonably suspected criminal associations for those intending to run the operations of the brothel.

In Victoria it is quite different. Brothels must be licensed, and persons with certain convictions are excluded from being able to be licensed as the brothel owners or the managers of the facility. Additionally, there are reasons to suggest that people with a background in organised crime should not be able to frequent such locations. This bill is silent on this issue again. The potential for brothels to be owned by those with multiple convictions and become a focus of organised crime is obvious.

In stark contrast to this bill, in Queensland it is only possible to manage one brothel; managing multiple premises is not permitted. Licences can be cancelled automatically upon conviction on certain offences, and conditions can be imposed on licensees. If we are serious about protecting prostitutes and combating organised crime, creating provisions that require independent ownership by a fit and proper person would be an obvious inclusion. This safety precaution does not exist in the bill before us.

Further, there should be a requirement that persons managing and entering the premises are over the age of 18. Under this bill, it is illegal to provide commercial sexual services to a person under 18—presumably there would be appropriate checks at the door conducted to a reasonable standard—but, at the very least, there should also be a requirement that persons under the age of 18 are not allowed on the premises. Again, this bill fails in that regard.

Another issue for consideration is whether brothels should be run by Australian citizens or at least legal residents. This may seem a peculiar addition to the proposed law; however, I note that New Zealand requires that persons applying for a brothel licence should be an Australian or New Zealand resident. It would certainly create an environment where a closer watch of suspected international crime syndicates (which I will touch on later) could occur, and any operator who falls outside of the residency requirement would be subject to strong penalties.

In a similar vein, there should be required and appropriate checks made on the prostitute's suitability for employment in Australia, such as residency, work visas and citizenship. Again, this bill is silent on this issue. Under this bill, there are no restrictions on alcohol, smoking or drugs on the premises—none. One may argue that, in the instance of alcohol, that would be covered by liquor licensing laws and, whilst this is true to some extent, Queensland and Victoria have both outlawed the consumption of alcohol on such premises. This is a sensible move. If we are serious about protecting those who work in the sex industry, then we should be legalising such protection. This bill does not.

Other offences that both Queensland and Victoria have implemented include a failing by the manager or licensees to supervise the brothel and operating a brothel in conjunction with an

unlicensed person. This bill affords none of the usual protections that one comes to expect in instances where organised crime or exploitation may occur.

My third concern with the bill is that a change in legislation will lead to a proliferation of the number of people working in prostitution. Indeed, that is what we have seen elsewhere. Where a system is unregulated, people can be placed in locations without oversight, ever increasing the potential for under-aged and coerced people to be coerced and become involved in the sex industry. We need only look at other jurisdictions, for example, where exactly this has happened.

In Victoria, brothel numbers more than doubled after legislation was introduced and passed. There have been numerous cases of girls aged between 10 and 15 years of age being forced to work in legal brothels, and trafficking has also occurred. That is exactly what legalisation was supposed to stop, but it has failed. Dr Roger Matthews, a professor of criminology in the United Kingdom, who has studied prostitution for more than 20 years, in speaking about the Victorian model, noted that:

> The expansion of the industry has been accompanied by a dramatic increase in lap dancing, phone sex, peep shows and pornography which have all become part of the expanding multimillion dollar industry. There has also been a growth in the number of illegal brothels.

New South Wales saw an explosion in the number of prostitution services post decriminalisation. In 1995, New South Wales had 150 sexual service providers; in 2010, just 15 years later, there were 421 sexual service providers. That is nearly three times higher than it was just a few years earlier. The figures do not take into account that only one-third of councils actually responded to the government's survey on prostitution, which is how they derived these figures. In real terms, the proliferation of prostitution was likely substantially higher. What this figure does do, however, is clearly show an exponential growth in prostitution post decriminalisation, as seen elsewhere.

The Daily Telegraph reported that several industry figures estimated in 2010 that the total number of prostitutes was 10,000 in New South Wales alone. That puts the decriminalised state on par with Amsterdam, the so-called sex tourism capital of Europe. A confidential government report as noted in *The Daily Telegraph* on 12 November 2010 revealed that in Sydney alone the number of legal brothels was double that of the whole of Victoria and Queensland combined. At that stage Victoria had just over 90 brothels and Queensland had 24. That figure alone could suggest that decriminalisation increases proliferation at a higher rate than the other models, which are legalisation models.

As the proliferation of prostitution occurs, research suggests that the visibility and availability of sex markets encourages demand. In one study conducted in Canada, 40 per cent of men reported purchasing sex due to the visibility of prostitutes, and that is a study produced by Loman and Atchinson. We have seen that decriminalisation increases the number of prostitutes. As visibility of prostitution increases, researchers found that so does the opportunistic purchase of sex, as published in *Prostitution Politics and Policy*.

The law of supply and demand then dictates that more prostitutes will either be street based, or advertisements for their services will be visible to any passer-by. Either way, the ordinary South Australian will see an increase in prostitution under this bill. Proliferation occurred in Victoria under a legal model for prostitution; proliferation occurred in New South Wales under a decriminalised model for prostitution; and proliferation will occur in South Australia under this bill. My fourth criticism of this bill is that pimping becomes legitimate under the proposed decriminalised model. The Safeguarding Children Involved in Prostitution Guidance Review in 2002 noted:

> Research suggests that young women are more likely to be pimped than older women. A study by Barnardo's found that the majority of girls aged between 12 and 14 did not make the decision to sell sexual services, but were groomed and were coerced by men aged 18 to 25.

This process has a number of key elements, including enslaving, creating dependencies, taking control and, finally, total dominance. Academics have suggested that girls and young people, particularly of female gender, are prone to this kind of control and manipulation as it is daunting to stand on the streets, they say, find a client and negotiate the provision of sexual services, especially for the very young.

It has also been noted academically that procurers and pimps target young people in care, as they see them as vulnerable and accessible. Dr Roger Matthews notes that there are instances

where procurement has come through substance abuse and addiction, where the pimp has used a drug of dependence to motivate the person to become involved in prostitution, and this appears in his publication, *Prostitution Politics and Policy*. These are, of course, examples. There are numerous other deployable methods used by pimps.

This behaviour should never be acceptable, yet under this bill, which provides no regulation of pimping or any unscrupulous behaviour related to pimping, this behaviour will result. Whilst current criminal law prohibits the sale of sex by persons under 18, show me a state or country where that does not occur. In the decriminalised New Zealand market, despite the prohibition of the sale of sex for persons under 18, the Prostitution Law Reform Committee survey indicated that prostitutes comprised underage people.

The terrible fact of the matter is that the selling of sex does occur for persons under 18. Similarly, to look internationally, Brazil has a decriminalised sex trade, but restricts the trade to those 18 or over. The Brazilian economy has recently been rated in the top 10 per cent in the world, yet despite this it is estimated that upwards of some 500,000 children are involved in prostitution. Horrifically, children as young as eight are selling themselves in prostitution, but some documentaries show children as young as four even to be working on the street. Whilst we do not suggest we go the way of Brazil (and I do not wish to be dramatic), it is possible that we easily could follow in the footsteps of our neighbour, New Zealand.

To allow this provision to be removed would be one more way in which we are failing vulnerable and seemingly unprotected people who are coerced into prostitution. In legitimising prostitution we are placing our children at risk of being coerced into this environment. Legitimising prostitution legitimises pimping, and since we know that pimps target children and young people we need to think carefully about how this proposed decriminalisation model will affect our already vulnerable and often unprotected children.

This bill does not afford adequate protections for children in light of what we know about the modus operandi of pimps, which I have outlined very briefly, and of course so much more could be said. Additionally, this bill fails to afford adequate protection against procuring someone with a cognitive disability or any other incapacity that affects the person's ability to unreservedly give consent to entering into prostitution.

I have grave concerns that the provisions within the Criminal Law Consolidation Act will not afford appropriate protection either. The UK provides a precedent for including provisions requiring cognisance when entering prostitution. In 2003 they introduced a provision within the Sexual Offences Act prohibiting inciting people with mental or cognitive impairment into commercial sexual activity. This legislation was drafted so that this was an offence by any person, not just a pimp. Again, this sensible protection is simply lacking in the bill before us. It is not there.

My fifth criticism is, I think, a very significant one—indeed, they all are, but perhaps this is one of the most significant. This bill removes the right of entry for police into the premises concerned. Given the intrinsic link between organised crime and prostitution, if it were to be decriminalised, there should be regular monitoring of premises to ensure that all laws are being adhered to.

The former mayor of Amsterdam has stated for *The New York Times* that, since legalisation, the city realised business 'is no longer about small-scale entrepreneurs, but that big crime organisations are involved here in trafficking women, drugs, killings and other criminal activities'. Whilst Amsterdam has a reputation as an open-minded city, its sex industry was attracting a criminal element beyond the scope of tolerance of the city and its authorities and, indeed, its population. Under this proposed bill, the only checks and balances that would apply would be the local council entering the premises to check building regulation compliance. They would be only checks and balances.

As the City of Sydney 's Rebecca Martin has noted, issues of organised crime are beyond the scope of council officers whose role was only to ensure brothels complied with their development consents. Council workers are not typically trained in noticing criminal activities, nor trained in detecting forced labour or debt bondage. Accordingly, the tell-tale signs of criminal activity might well go unnoticed by a council worker. Put simply, council also lack the resources to do the work of police.

Decriminalising prostitution does not remove the criminal element from the industry. It legitimises business and creates further incentive for organised crime to infiltrate by removing all controls, checks, balances and associated laws. What is extremely important to remember is that the police asked the New Zealand Prostitution Law Review Committee to review their right of entry into the premises, as monitoring underage prostitution and other policing matters were extremely difficult under the model presented—similar to the model presented here.

They noted they had no right of entry into brothels, as this bill affords as well, nor could they ask for age identification papers for those whom they suspected were underage. If for no other reason, we should take note of what has come out of New Zealand and not remove the police from monitoring this industry. Police should have a right of entry at the very least. The risk of organised crime, criminal activity, violence against prostitutes and procurement of underage girls requires us to consider this as a priority aspect.

Returning to the issue of returning to work, this is a vexed issue indeed. This bill creates ambiguities in the Return to Work Act and is silent on serious issues which should be included, should this bill actually pass. For example, a client may request to spend time with two prostitutes on one occasion. I am told it is not unheard of. This bill makes it clear that a client cannot be considered an employer. Therefore, if you have two independent contractors or operators, if you like, does one prostitute hire the other prostitute to engage in that work?

If that were the case, and if they engage in sexual acts together in the course of an employee-employer arrangement and the employee is injured, would that then not mean that the employer is exempt from liability under the relevant legislation? Similarly, in instances where an employer of brothel staff engages in sexual acts with the prostitute, would that not exclude the employer from liability, should the said prostitute be injured? The point there is that all of these questions remain unanswered by this bill and they are, of course, real world type scenarios that will eventuate.

Secondly, in order to sufficiently evidence possible loss of earnings, prostitutes would need to invoice clients and keep accurate records of all money received. In some instances, prostitutes may need to register for GST and put in place appropriate taxation practices. Presumably, this would require receipts to be given to all clients or some genuine form of notation for the purposes of compensation under this act. In practice, this sounds difficult, if not impossible.

Thirdly, one very real question that needs to be considered is, of course, occupational hazards, of which this line of work, no doubt, presents many. The law in New South Wales does not require the use of a condom, but it is recommended by New South Wales Health and WorkCover. Both Queensland and Victoria, legislatively, require prostitutes to use condoms, so it is quite different to the New South Wales law. As this bill does not require a prostitute to use a condom, should they contract a sexually-transmitted infection, would they then be subject to the return-to-work protections, and, therefore, compensation, for what was arguably a negligent act on their part?

Given the nature of prostitution, and recognising that prostitutes often have partners outside of their profession—no doubt they do—how could a determination of where the injury occurred actually be made? Some cases might be easy to determine, but some would present a significant challenge, no doubt. A simple Google search will show that clients tend to pay extra to have unprotected sex with prostitutes. A headline on news.com.au on 10 January 2012 read:

> More than 500 Sydney prostitutes are offering unprotected sex to clients, raising fears they may be contributing to the spread of sexually transmitted infections.

This issue simply is not dealt with under the bill before us at all in any way, and yet it will open an absolute can of worms with respect to WorkCover provisions and also other legal issues.

Whilst there are criminal provisions regarding endangering life or creating risk of serious harm where someone knowingly or recklessly has sex with another person in instances where they have an STI (or STD, as they were once called), it is unlikely that these provisions would afford the appropriate protections to prostitutes or their clients. Again, given the nature of prostitution and the increased number of partners that inevitably follows from being involved in prostitution, apportioning blame and proving the merit of the case, or who is actually responsible, would be incredibly difficult, if not impossible—a legal nightmare.

Accordingly, for this bill to pass there should at least be a mandatory requirement that all prostitution be conducted with a condom, as there is in other states. There should also be an additional requirement that no prostitute be compelled to engage in unsafe sex practices. There should at the very least be a disclosure requirement for both the prostitute and the client in relation to STIs and significant penalties where this does not occur.

Similarly, at what point when a prostitute contracts a sexually transmitted infection are they no longer able to return to work? Who decides? There is no explanation of that in this bill either. One would suggest that for sexually transmitted infections that are treatable, it would be the treatment period until the appropriate medical certification can be provided to ensure safe work practices are adhered to, but what constitutes an injury which would prevent a prostitute from returning to their position?

There should be a prohibition on working in the sex industry when you have an infectious disease—or should there be? At what point is suitability to return to work deemed appropriate? These are important public health questions which have far-ranging impacts if they are not addressed properly. The cost to the taxpayer in the form of increased health and legal costs would be extensive, as this bill is silent on these matters.

At a forum last year, comments were made that prostitution legislation should be drafted to avoid regular health checks for prostitutes. I will repeat that: at a forum last year, comments were made that prostitution legislation should be drafted to avoid regular health checks for prostitutes. I received a letter from a concerned constituent who attended this forum and who could not agree with this position. I believe the letter was circulated to other members of parliament, and members may remember that the constituent wrote:

> Health checks are appropriate work, health and safety procedures, as prostitutes deal with bodily fluids that are in a high risk category, so a higher standard is to be expected. The idea that this is a discriminatory practice towards prostitutes negates the obvious role the customer could play in having poor physical or sexual health. Workers in prostitution and customers have the ability to pass on disease. Current viruses worldwide are of great concern. Now is not the time to reduce safe health practices.

What also can, and never should be, disregarded is the risk to the unsuspecting partner or spouse who could face contamination—a real risk. Who speaks up for their protection in these circumstances? Surely their rights must also be acknowledged? The letter went on:

> Condoms, oral dams or any other form of safe sex equipment can never claim 100 per cent safety. They can tear and there will always be a risk of no protection. More money is offered by customers for this service; some pimps actually encourage it with their workers, as it comes with this type of work. The appropriate protection for both worker and client is required. Paid sexual activity will always be a high-risk area.

Finally, the letter said:

> Currently all workers have access to all health services via clinics or private practitioners for their personal health requirements. Those who work in the health industry do not discriminate in the giving of health care due to sex being their choice of employment.

A further question about what is covered under potential compensation provisions is whether or not abuse by a pimp or an employer be subject to workers compensation. There has been no discussion about what should be excluded, if anything, from the provisions of the Return to Work Act. This is a very serious issue, with significant financial consequences for taxpayers and the community, yet this bill is silent on this issue again.

Whilst on the subject of a safe work environment, should we not be having a more thorough discussion about requiring all brothels to have panic buttons installed, appropriate literature displayed prominently for prostitutes and clients, and access to ongoing and regular medical and best practice training, self defence classes and the like.

Should part of the debate not touch on whether drug use should be banned by client and prostitute, and should there not be random drug tests implemented and introduced? This again is for the protection of both the prostitutes and their clients and, indeed, the spouses of the clients of the prostitutes. This is common practice in high risk industries. For example, construction workers are subject to random mandatory drug tests in many cases to ensure safety on the site. There is no reason this should not be applied to the prostitution industry.

Literature shows that substance abuse is frequently involved in persons not being able to effectively negotiate the conditions of their contract with their purchaser, and it leads to people feeling they need to have unprotected sex. This bill is silent on all these critically important issues. Again, I say if people are sympathetic to supporting the legalisation of prostitution this is not the model to support.

Looking at the issue of discrimination, my seventh concern is that the bill fails to afford appropriate antidiscrimination measures. This bill creates provisions for prostitutes, both past and present, to come under the Equal Opportunity Act. We have concerns that not all rights and responsibilities under this will be adequately protected under these provisions. This bill does not provide any protection for those who have a conscientious or moral objection to providing specialised services to current prostitutes. One's right to freedom from discrimination should never come at the cost of someone's freedom from discrimination, or the right to exercise their conscience.

Let us consider someone who has applied to work in a church or a school that held specific religious views. It would be inappropriate and discriminatory to require the hiring of someone knowing that it actively goes against their faith and their ethos of that organisation. The bill clearly and specifically denies freedom of religion which is, of course, covered by international treaties and covenants to which Australia is a signatory.

Doctors are afforded exception on performing certain procedures, and there is no good reason why similar provisions could not be included in this bill for those who hold a genuine reason not to act in a certain way. As with some legislation, a simple clause allowing someone to abstain from assisting in certain prescribed circumstances would cover these situations, yet this bill simply ignores this significant issue.

Turning to local councils, my eighth specific concern is grave, as I fear members may not adequately appreciate this matter as it is more complex than it may first appear. The bill places oversight and regulatory burdens on our already overworked and often under-resourced councils. As I previously mentioned, the police will no longer be involved in ensuring compliance under this decriminalised model, and that leaves the role squarely in the realm of the local council.

I have mentioned some issues that local councils have faced in relation to decriminalisation in both New Zealand and also in New South Wales. To be specific though, in 2007 the then New South Wales Labor premier, Morris Iemma, rolled out reforms which placed the onus on councils to govern the prostitution industry. He famously and clearly incorrectly stated that the courts would be able to shut premises down in less than a week. This proved not to be the case, and quite the contrary is true. Debra Just, the General Manager at Willoughby City Council, has publicly stated:

> Council does not have adequate legal mechanisms, resources or power to efficiently and effectively close brothels.

Ms Just further suggests that not only is legislative reform needed to strengthen the ability of councils to shut down illegal brothels but there is also a need for greater police assistance through enforcement. So far, in 2015, the Willoughby council has initiated litigation against purported brothels in three separate instances just this year.

Of note, the bill before us makes no provision for information sharing, nor does it provide a regulatory framework for this industry. The bill actively excludes the police from this industry, which goes against the experience in other jurisdictions where authorities are actually calling for greater police involvement. Why would it be any different here?

New South Wales clearly recognises the current issues surrounding organised crime, drugs, planning and regulatory violations, debt bondage and sex trafficking within the sex industry and significant failings of the decriminalised system. Accordingly, the government there has been considering options for several years, including a government run licensing and regulated model and the possible appointment of a Prostitution Commissioner.

In fact, due to significant issues faced by councils and unenforceable legislation and policy, New South Wales has recently launched an inquiry into brothels and prostitution legislation and the interplay between local and state government. The New South Wales Minister for Innovation and Better Regulation, Victor Dominello, stated that:

The inquiry is in response to the need for a more targeted approach so the community can have confidence in the regulation of brothels and authorities have the ability to crack down on illegal activity.

'Protections for sex workers will be considered, particularly around organised crime and sex trafficking, as well as how to maintain high levels of public health outcomes.'

The president of Local Government NSW welcomed this inquiry, stating:

Until now the burden of proof of illegal activity has rested solely on councils, and it has proven extraordinarily difficult…

He continued by saying:

Even the use of private investigation agents working undercover failed to meet this burden of proof, effectively preventing councils from being able to stamp out illegal activity and protect their residents and ratepayers. These investigations have been resource intensive and costly.

Yet that is precisely the model proposed here. Whilst councils recognise this as an extraordinary measure, they note that until the system changes they have no choice but to engage in this behaviour to be able to ensure appropriate evidence for prosecution. It is the only way they can get conclusive evidence of illegal activity yet, despite this, as I have just read from the quote from the president of Local Government NSW, even that is inadequate in many cases.

In one instance Hornsby council in New South Wales spent $100,000 defending a court matter. This is not an isolated incident, with Willoughby council confirming that it spent $60,000 over a two-year period investigating illegal activity to secure evidence for a prosecution, and the City of Sydney Council confirming that it spends, on average, $10,000 a year just on private investigators to investigate illegal brothels. Just to clarify it, this illegal activity is a breach of planning regulations and approvals but not of criminal policing matters. Of course, who ultimately bears the cost burden of all these regulation breaches and enforcement proceedings? It is the local ratepayer. This is not an acceptable outcome for the people of South Australia, but that is what is being proposed here.

One very important issue to remember is that council planning controls are extremely limited. They require adherence to form completion and general planning policy and that is it. They do not generally address broader issues such as safety, health or community attitudes. Accordingly, Local Government NSW recognises a significant failing in their current regulatory scheme. This is far from the first call for reform to this failing system.

Also of note is the fact that a council inspector in New South Wales was actually found guilty of five counts of corruptly receiving a benefit by receiving free prostitution services in exchange for overlooking breaches of regulation. We do not want this in our state, but the bill before us presents the opportunity for this exact thing to happen. It adopts the same system that is not working over there.

The New South Wales inquiry is due to report on 12 November this year. It would be prudent for us to, at the very least, wait for the outcome of that inquiry before further considering this legislation. New South Wales recognises the great challenges of supply and demand in an unregulated market and has rightly identified the issue of organised crime within the industry, but the bill before us ignores this issue.

Looking at advertising, I present this is my ninth specific concern from this bill—and it is an alarming one—that highly sexualised and upsetting advertising will proliferate under this bill. As section 25A of the Summary Offences Act will be repealed under this bill, there is no real restriction on advertising. In theory, you could be walking down the street with your five year old in tow and be handed a flyer offering sexual services, or witness flyers in windows, posters and the like. While some advertising is council controlled, much is not. Shops inside the Myer Centre, for example, would fall outside the scope of council regulation, as do many others.

Similarly, billboards advertising services can be erected. In fact, Queensland has a serious problem with outdoor advertising, and it has been the subject of a recent inquiry. It was noted that there was increasing and over-sexualised advertising displayed around the state. Many people were concerned about the advertising of adult businesses and strip clubs in the media, and significant issues were raised about the lack of age-appropriate outdoor advertising, given that children pass by these billboards on a daily basis.

The committee repeatedly heard, for example, that Queensland has issues with advertisements on bus shelters and billboards which are far too sexually explicit for the young audience that frequents such locations. This is not something we want to see in our beautiful state. Explicit sexualised advertising has a place and it is not on our streets, but it will be as a result of this bill, should it pass.

I now turn to street prostitution, about which I made a few brief remarks at the start of my contribution. This is what I would call my 10th specific concern from a decriminalised model; that is, that it will increase the incidence of street prostitution. Since decriminalisation in New Zealand it has been reported that streetwalking (as it called) in Auckland has increased somewhere in the order of 200 to 400 per cent.

Indeed, the New Zealand Prostitution Law Review Committee noted that street prostitution in Auckland more than doubled from 2006 to 2007. The New Zealand Ministry of Justice report on the review of street-based prostitution in Manukau City in April 2009 noted that the number of street walkers was estimated to have quadrupled in just one year. Residents complained about increased noise; being propositioned by street prostitutes when they returned home; aggressive, disruptive and generally antisocial behaviour; brawling; as well as other complaints of condoms, excrement and other bodily waste left in the streets, shops, car parks and even on private property. I recommend that members look at that report before making their decision on this legislation.

A similar story has been seen in Darlinghurst, New South Wales. The Darlinghurst area recorded a 460 per cent increase in prostitution charges in 2014 for street prostitutes who were soliciting within residential areas. From memory, unlike the proposed model here, New South Wales does afford some protections as to where prostitution and solicitation can occur, but despite it being specifically ruled out, it was occurring within those areas. The report also reported residents being punched in the face and being kept awake at night due to noise disturbance. It is worth repeating so that members understand: these issues are specific to the decriminalisation of prostitution. We can expect to see the same behaviour here under this proposed model.

In Ipswich in the UK, street walkers have been estimated to be 18 times more vulnerable to homicide than other women, suffering regular abuse at the hands of pimps, punters and passers-by. Over the past decade, 89 women have been murdered, and sadly that number is considered to be a low estimate by the authorities there. Five women were murdered by the same person in 2006. He was a regular, which goes to show that there is no such thing as a safe form of prostitution.

As Dr Roger Matthews noted in his book *Prostitution, Politics and Policy,* research has also shown that the main offenders in relation to public order offences are so-called kerb crawlers, usually men driving along the streets in their cars. Any increase in the number of prostitutes on the streets could, by virtue of this research, therefore mean an increase in public order offences. This is an academic approach; however, the issues raised in New Zealand and Darlinghurst certainly appear to support this.

There are similar issues that face councils and local and international jurisdictions that have decriminalised prostitution. In both New South Wales and New Zealand, the monitoring and enforcement burdens placed on councils, especially those that already have limited resources, are difficult if not impossible to comply with. All of these issues will be forced upon South Australians should this bill pass. We will see all of it here. What is notable is that in Sweden, since the introduction of the Nordic model, there has been a significant reduction in the street trade in particular.

Turning to a more general discussion, having dealt with the 10 most troubling aspects of this bill specifically, I would like to raise some more generic points, if I may. Nomi Levenkron, the author of *The Legalization of Prostitution: Myth and Reality*, notes that countries that have not made significant efforts to focus on the demand that fuels sex trafficking or countries that have legalised or decriminalised the prostitution industry have witnessed an increase in the prevalence of the sex industry and, I think most significantly, the incidence of trafficking in women and girls. Dr Roger Matthews, a professor of criminology in the UK who has studied prostitution for more than 20 years, writes:

> In these liberal and libertarian accounts, however, the role of abuse, exploitation and coercion are downplayed and the free reign of market principles is emphasised…there is little regard for the concerns and

experiences of those living in and around red light districts. Thus, while advocating total decriminalisation the Scarlet Alliance note that 93 per cent of the public (who were surveyed in 1998 in Queensland) expressed significant opposition to street prostitution.

He does go on to say that this opposition continues to be dismissed by lobby groups, as we see it dismissed here. Part of the current rhetoric from the pro-sex work lobby is, and I again quote him, 'We are not victims, we are not abused and we are not trafficked.' That may well be true of those speaking out. It may well be true. I do not believe this statement is true of all prostitutes and prostitution. Evidence simply does not support that.

It is estimated that at least 20.9 million (nearly 21 million) adults and children are trafficked every year. Almost 60 per cent of trafficking survivors were trafficked specifically for sexual exploitation. About two million children are exploited every year in the global commercial sex trade, and women and girls make up 98 per cent of victims of trafficking for sexual exploitation. An intrinsic link between trafficking, exploitation and prostitution cannot be ruled out or overstated. It is real. It is happening.

Additionally, for those who have researched this area for years, there is clear evidence of the pathways into the sex industry. As Dr Matthews points out, prior sexual abuse is a pathway into prostitution, with some countries estimating that 50 to 90 per cent of street prostitutes have a history of abuse and neglect—and that appears in his publication *Prostitution, Politics & Policy*.

In a London-based study conducted by May, Harocopos and Hough, published in 2000, entitled *For Love or Money: Pimps and the Management of Sex Work*, it found that almost two-thirds of prostitutes described their formative years as unhappy and over half said that they experienced some form of child abuse.

In 1999, researchers Melrose, Barrett and Brodie reported in their publication *One Way Street: Retrospectives on Childhood Prostitution* that 21 out of 50 (or 42 per cent) of London-based prostitute respondents reported that their first sexual experience was in the context of abuse. A later UK study conducted in 2002 by Pearce, Williams and Galvin reported in 'Is Someone Taking a Part of You: A study of young women and sexual exploitation' that 45 per cent of respondents experienced sexual abuse in childhood.

A classic study undertaken by Silbert and Pines in 1982 in 'Entrance into Prostitution' found that over 60 per cent of women from the San Francisco Bay area they interviewed reported a history of childhood physical abuse. Another study undertaken by Giobbe, 'An analysis of individual institutional and cultural pimping' in 1993 found that 90 per cent of women interviewed reported childhood physical abuse and 74 per cent were sexually abused by a family member and a further 50 per cent reported being abused by someone outside their family. This was a Michigan-based study.

A report of the Prostitution Review Committee in New Zealand noted that approximately 93 per cent of people surveyed indicated that they had financial reasons for entering and staying in the sex industry. They further noted that the most effective way of ensuring people do not enter the sex industry is to help find other alternative ways to make money. Similarly, runaways, children in care and drug addiction, to name a few issues, have repeatedly formed the complex and interconnected reasons why people have entered the sex industry.

A study conducted by Hester and Westmarland in 2004 reported that between 50 and 90 per cent of street workers in the UK were problematic drug users. This is not to say that it is true of everyone; however, it is true of some people, and we cannot be naive to this when discussing such an important change in social policy.

A role in discussing this legislation is to find the best outcome for men, women and children who find themselves affected by prostitution one way or another, be it as a direct result of working in the industry, being part of a family affected by prostitution or as part of the wider community to whom prostitution is visible. Decriminalisation will not stop organised crime from being involved in the sex industry; rather, it creates a completely uncontrolled and unmonitored market whilst providing legitimacy to operations which otherwise would not be so and which currently are not so. I turn to examples to prove this point.

The Australian Federal Police have released an article this year in their January to June 2015 *Platypus* magazine; I encourage every member to read this article. The article speaks of an American man who has been convicted of trafficking Australian women. One of these women was just 18 when he started using her as a sex slave. Where did these crimes take place? He moved around from Queensland, New South Wales, Victoria and New Zealand, the places where it has been legalised or decriminalised, before taking the women further abroad.

Quite notably, of the so-called local jurisdictions (that is, the Australian ones), we see here that there are two legalised and two decriminalised locations. There is no way that a decriminalised system could help these trafficked Australian women. The decriminalised New South Wales sex trade is out of control despite several amendments to tighten the law since 1995. In 2000, the former police commissioner Peter Ryan said (and I quote directly):

> There have been 40 shootings in Sydney's south-west suburbs in a three-month period, which were all part of a struggle between rival groups for control of the drugs and prostitution trades in the parks of Sydney.

Former federal police officer Chris Payne said that based on evidence he had seen there were hundreds of illegally imported Asian women being exploited in New South Wales brothels every day. He is also quoted as saying, and I quote directly:

> On the scale we're seeing in Sydney, we used to hear some estimates of anything up to 500 Asian women illegally in Sydney.

In 2011, a source from the New South Wales government was quoted in the *Sydney Morning Herald* on 11 October 2011 as saying, and again I quote:

> We are very concerned about issues in brothels, whether that be trafficking, girls held in debt bondage or those being forced to have unprotected sex with clients. One of the main aspects of this legislation will be to try and tighten up who is running these places and prevent criminals, or those known to associate with criminals, from being in charge.

He said this as they were trying to review the legislation. It was reported in 2011 that legal brothels in Victoria and New South Wales were operating unchecked, despite information given in court by the Australian Federal Police. The investigations, Operation Elixation and Raspberry, identified at least two Sydney and three Melbourne brothels linked to an international human trafficking and sex slavery ring. Despite this clear identification, it has been reported that the state and local authorities have taken no action against the brothels or their managers who were involved in this organised crime simply because their current laws make it virtually impossible and, again, that is what we should expect here.

Senior New South Wales police have said that the links between organised crime or sex trafficking syndicates and legal brothels highlighted the need for stronger state regulation, better information sharing between police and regulators, including across state borders, and discussion of the need for uniform prostitution laws in Australia.

Similarly, it has been recognised in New South Wales that there needs to be improved coordination between council compliance officers and other authorities, including WorkCover and New South Wales Health, to combat illegal operations and to ensure as much as possible compliance with the law or what law there is.

Senior state police in both New South Wales and Victoria have acknowledged that the policing of organised crime in legal brothels is patchy and regulation is woeful, in their words. For example, the Australian Federal Police operation Raspberry saw two witnesses testify that the manager of clubs in both New South Wales and Victoria forced two women to work as sex slaves engaged in unsafe sexual practices and working up to seven days servicing dozens of men, and every dollar they earned was returned to the syndicate to pay off the debt they were alleged to have incurred. In June 2010, the Victorian Drugs and Crime Prevention Committee in the Victorian parliament reported:

> The committee believes there is a clear and close connection between sex trafficking and the illegal and unregulated sex industry. As such, it is the committee's view that a specialist unit should be established which will have the responsibility for monitoring sex trafficking as part of its wider oversight role of the Victorian sex industry.

Notably in 2007, the New South Wales ICAC referred to the licensing systems for brothels in Victoria and Queensland and, whilst not passing comment on their effectiveness, recommended a review of the New South Wales' system stating:

> Not taking steps to keep criminal elements out of the industry is conducive to corruption. Consideration should be given to whether there are alternative approaches to a licensing system.

Clearly, the ICAC was indicating that the operation of the New South Wales' decriminalised system was flawed, yet the bill being presented here brings an even looser interpretation of this law into South Australia. Should this bill be passed in its current form? We should turn our minds to see what the state of brothels in South Australia might look like in the light of what we have just seen. We know where organised crime is. There is a positive correlation with weapons, drugs and sex trafficking. We have seen this in Amsterdam and other places and I have outlined several instances of that here today.

In 2000, the Netherlands actually lifted its ban on brothels in an attempt to provide better protection to vulnerable women, particularly trafficked migrant women. They found that the change in law increased the number of brothels and the number of trafficked persons, and the city actually went about purchasing premises from owners in an attempt to curb the takeover of the sex industry, but importantly they found that the change in the law actually increased the number of brothels and the number of trafficked persons.

As a side note, Sweden enacted what is known as the Nordic model back in 1999 and since enacting this legislation, that is, the criminalisation of the purchase of sex as opposed to the selling of it, Sweden has become the only country in the European Union which has a declining sex and trafficking industry.

Regardless of which model of prostitution South Australia has, any serious breach of the law should result in immediate confiscation of assets, especially when those assets come from the proceeds of crime. This bill is silent on this issue as it is on so many other issues and particularly on that of organised crime, which only further acts to marginalise those whom it seeks to protect as well as the broader community.

One reason often proffered to decriminalise prostitution is so that people feel safe to come forward and report offences committed against them. I have touched on this and I will give some more detail now. I have been informed of a woman who was brutally raped in Adelaide in recent years. It was her first time as a paid prostitute. Some people would have you believe that police will not investigate this matter because she was a prostitute. This is just simply not the case and to suggest that this is the case is plainly wrong in fact.

Detectives who work in the sex crimes area investigated this matter and I have been assured that she was treated equally and respectfully in the eyes of the law, despite having put herself in a position of danger. What I have been told is that the advocates within the sex industry were actually trying to strongly influence this woman from talking to and assisting police despite the horrendous crimes committed against her. However, the bottom line is that the police investigated, treated her well and went after the perpetrators and not after her.

The New Zealand Law Report noted that few prostitutes under their decriminalised model, regardless of whether they were working indoors or outdoors, reported any of the incidents of violence or crimes against them to police. Why did they do that? The New Zealand Law Review Committee reported that the majority of prostitutes felt that the law could do little about violence that occurred, further adding that 35 per cent reported in 2007 that they had been coerced to prostitute in the past 12 months.

Conversely, however, implementation of the Nordic model in Oslo in Norway saw serious violence decrease. For example, women reported that there was an 8 per cent decrease in the incidence of being threatened under that model or being forced into sexual acts; 24 per cent decrease in being physically restrained; 8 per cent less robberies; 8 per cent decrease in being struck with an open hand and/or fist; 9 per cent decrease in being trapped; 14 per cent decrease in rape; and a 4 per cent decrease in being thrown from a car. If we are serious about protecting prostitutes then these statistics suggest an appropriate way forward—the Nordic model clearly has advantages.

Similarly, other jurisdictions report a similar finding. The Pro Sentret Report showed that prostitutes would not report violence, especially if that violence was perpetrated by a pimp. A UK paper reported that pimps in Amsterdam were as brutal as ever post legislative change. So even after their law changed they were as brutal as ever, and their government funded a union actually set up to protect prostitutes but it has been shunned by the prostitutes themselves as they are too scared to complain because of their pimps. Pimps have been reclassified under the legislation as managers and businessmen, and the abuse suffered at their hands is now almost considered an occupational hazard. The article continued:

> The Dutch government hoped to play the role of the honourable pimp, taking its share in the proceeds of prostitution through taxation. But only 5 per cent the women registered for tax, because no one wants to be known…

—as working in that industry apparently. It goes on:

> Illegality has simply taken a new form, with an increase in trafficking, unlicensed brothels and pimping; with policing completely out of the picture, it was easier to beat the laws that remained.

Police now acknowledge that the red light district over there has mutated into a global hub for human trafficking and money laundering. The streets have been infiltrated by grooming gangs seeking out young, vulnerable girls in particular and marketing them to men, in many cases, as virgins who will do whatever they are told.

In 2006, an Auckland lawyer declared that decriminalisation was a disaster which had led to an explosion of children in prostitution in both Auckland and Christchurch. This was confirmed with the US Department of State Trafficking in Persons Report which noted that since decriminalisation in New Zealand there were instances of trafficking women and children, including instances of debt bondage and document confiscation.

I accessed statistics relating to prostitution under FOI and in 2014 in South Australia there was one person convicted for soliciting—just one person. There is not any evidence that the provisions within the Summary Offences Act are used abusively towards prostitutes and, again, I highlight that just one person was charged with soliciting in South Australia last year.

If people want to seek prostitution services they are not hard to find. There is a full page in *The Advertiser* almost every day and it is not something that it should be difficult for anyone to find. It goes on. This bill will not stop it; it is not designed to stop it but it will unleash a lot of negative consequences that I have outlined.

In conclusion, Peter Abetz, the member for Southern River in Western Australia, wrote to parliamentarians last year stating that in 1984 Victoria cited reasons for legalising prostitution as being to do away with illegal prostitution, to prevent police corruption and prevent women in prostitution from being harmed. He further stated that none of these objectives have been met and murders still occur. Likewise, Germany, Finland and the Netherlands have also stated that none of their objectives have been met.

This is a very significant bill. The bill will fail in its objectives just as every other jurisdiction has failed, as I think I have conclusively demonstrated, and it will have very many disastrous consequences for those in the sex industry and for the public in general.

According to a former ICAC and National Crime Authority investigator, who was quoted in the *Daily Telegraph*, the proliferation of brothels in New South Wales has resulted from dysfunctional planning laws and legislation that govern prostitution premises, so we are heading straight down that path under this bill, should it pass.

If one is strictly considering the issues seen under this decriminalised model, they must consider the sanitary and public health issues that have been raised by councils in New Zealand and New South Wales. Faeces and condoms left in public places and in people's yards is not something anyone wants to see. We do not want to see brawling or territorial arguments breaking out any more than already happens, as I have already outlined.

Remember, under this bill there are no controls as to who owns, manages or frequents a brothel; there are no probity checks, no criminal intelligence sharing provisions, and no fit and proper person test as to who owns, operates and frequents these premises. Under this bill you could have

a known drug lord running a brothel and, as far as the council and the law are concerned, if all the boxes are correctly ticked then they either have to stay out of it or there is nothing whatsoever they can do about it, and they have to approve them to run this particular brothel.

This bill invites organised crime further into our state's economy. There is no requirement for panic buttons to be installed in brothels, no safety measures prior to entrance, no police checks for prostitutes, no requirement for safe sex practices, and no requirement for drug and alcohol free environments. As the Wolfenden report in the UK stated:

> We are not charged to enter matters of private moral conduct, except in so far as they directly affect the public good. In this field it is the law's function, as we see it, to preserve public order and decency to protect the citizen from what is offensive and injurious, and to provide sufficient safeguards against exploitation and corruption.

Families want safe streets and vibrant communities. One of the good things this South Australian government has done is increase the vibrancy of our city. People should be able to walk down the street and it should be free from antisocial behaviour—I am sure all members would agree with that. People should be able to enjoy the quiet of their own home without witnessing inappropriate behaviour in the park across the road, or even on their front lawn in some cases. They should be able to enjoy the amenities of life, such as picking up their child from school or going to a local event, without being propositioned for sex, as has been reported and documented.

We should resist any legislation that would potentially see an increase in organised crime, exploitation and antisocial behaviours, as we have seen in other jurisdictions, and as I have outlined. Proponents of this bill have argued that decriminalisation is supported by the World Health Organisation. The way this report is relied upon and presented as a case for decriminalisation is plainly misleading.

I remind members that this report in question from the World Health Organisation was confined to examination of the HIV AIDS epidemics and the problems associated with medical treatment in low to middle socioeconomic countries. The report in question was not a holistic examination of the sex industry, and therefore does not correlate well (or, arguably, at all) to South Australia.

The report, for example, did not consider the effect of decriminalisation on matters such as sex trafficking, immigration, law enforcement, underage prostitution, planning, council regulations, societal issues, street walking prevalence, or the like. It was a work focused on health related issues, and that is predominantly all, and therefore cannot be relied on as conclusive evidence that decriminalisation is the road we should take. The report is not relevant to the situation in South Australia, nor was it ever intended to be.

I urge every member to carefully consider this bill and the effect it will have, and consider whether on the evidence this bill will prevent the harms which prostitutes may be subject to. I believe it does not. Clearly, there is significant evidence to suggest that this bill will result in South Australia going down exactly the same road as New South Wales and New Zealand, where the law has similarly been decriminalised, and I have outlined many of the problems there. Violence against prostitutes—the stated primary aim of the bill—will not be prevented, as I have demonstrated. There will be few, if any, positive outcomes and very many negative consequences should this bill pass.

My final comment is that I understand that we all want to see violence against prostitutes eliminated, and I can understand if members have particular sympathy towards changing the law to that effect, but I argue strongly that this bill does not achieve that objective, and I oppose the bill.

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

Motions

ARTS FUNDING

The Hon. K.L. VINCENT (17:34): I move:

That this council—

1. Notes the widespread concern in the Australian arts community about the new National Programme for Excellence in the Arts recently announced by the federal government, expressed through the "#FreeTheArts" social media campaign;

2. Recognises the importance of supporting creativity and expressing a diversity of views and experiences in the arts;

3. Recognises the vital role played by new and emerging artists and small to medium-sized arts enterprises in ensuring the future of the arts industry in South Australia; and

4. Recognises the economic and social contribution of the arts industry and festivals to the South Australian economy.

Recently, the federal arts minister, George Brandis, announced changes to arts funding in Australia which will see funding cut from the Australia Council for the Arts and redirected into a so-called program for excellence in the arts.

The cuts, including $104.7 million over the next four years, will support the establishment of a National Program for Excellence in the Arts to be administered by the Ministry for the Arts. The Australia Council will also need to find, I understand, $7.2 million in efficiency savings over the next four years. This represents a 13 per cent reduction in the Australia Council for the Arts' annual funding from its current budget of $213 million.

These changes have been met with shock and anger by the arts community in Australia nationwide, as they have been interpreted by many as a move towards a 'captain's pick' system which stifles smaller, but not less important, artists and organisations working in the arts industry. It has sparked the social media movement #FreeTheArts and is now the subject of a Senate committee inquiry.

As someone who is very passionate about the arts, with many friends and colleagues currently working in this industry, I feel compelled to take the opportunity to echo these concerns and this disappointment and put them on the public record, so that members are aware of the true implications of these changes and that freedom in the arts is something we should all fight for.

My speech is likely to be relatively brief and will largely consist not of my own words but of quotes from submissions that have been made to the Senate inquiry and of information that has been given to me personally from friends and colleagues in the industry when I asked them for feedback. The first quote I would like to use—because, I think, it outlines the majority of the problems with this changed arts funding quite well—comes from prolific and internationally-renowned children's playwright, Finegan Kruckemeyer. He writes:

> These days, the majority of my commissions come from overseas producers (primarily in the US)—and when Australian works are commissioned, these are generally for a cast of only one or two, financial constraints being translated into artistic constraints.
>
> In truth, the notion of an American relocation makes sense financially given the comparative amount of work—and as the financial provider in my household, this would see my family make the move also. But the love of living in Tasmania—

which is where Finegan relocated after living in Adelaide—

> keeps me here, and the ability to send words makes this a practical reality.
>
> I am committed to Australia and its arts community (sitting on the Tasmanian Arts Advisory Board and a number of others, teaching workshops to emerging writers, forming an integrated theatre ensemble for people with and without intellectual disabilities, voluntarily offering dramaturgical support to those embarking on first scripts, speaking and lobbying to promote Tasmania in various capacities, and paying taxes—often generated by revenue earned overseas, and so made up of funds brought into this country).
>
> But if it really were to reach a point where arts funding cuts saw vulnerable companies in the small-to-medium sector (my primary Australian employers) fold, then I feel the choice would no longer be there, and the pragmatics of life and work would lead me to make the move.
>
> I say this not because my personal story or presence in the country is of any particular importance, but rather because I feel my situation is representative of many:
>
> When significant arts funding goes, then the making of artworks goes.
>
> And finally the artists go.
>
> And with them the stories of place, the celebration of Australian life and culture, the chronicling of these times, on this continent. It is an important commodity, and one which I fear would be noticed most tangibly in its retrospective absence.

Another quote that I would like to read comes from Chloe Munro, the chair on behalf of the board of Lucy Guerin Inc., and states:

We have been dismayed by recent commonwealth budget decisions that have already had a significant impact on the sector of the arts to which Lucy Guerin Inc belongs. The reduction in available funds in absolute terms and the sudden and apparently arbitrary change in funding model have thrown our planning into disarray. We cannot and will not make decisions that risk driving the organisation into insolvency. Yet our activities such as development of new work and international tours require us to commit resources long in advance. This can only happen with a reasonable degree of funding certainty.

Arts Access Australia, the peak body representing artists with disabilities, had this to say:

Arts Access Australia Co-CEO, Emma Bennison, is gravely concerned about the implications for artists with disability and arts and disability organisations:

'Since 2013, when it released its new Disability Action Plan, the Australia Council has demonstrated real and tangible commitment to recognising the contribution artists with disability and arts and disability organisations have to make to Australia. Programs like the Artists with Disability Funding Program which awards project and career development grants to artists with disability are already leading to increased visibility of work made by artists with disability. A recent example is Emma J. Hawkins' "I Am Not a Unicorn" featured at the Melbourne Comedy Festival.

I am concerned that while the Ministry for the Arts has previously demonstrated some commitment to artists with disability through its support for the implementation of the National Arts and Disability Strategy, funding has been limited, and we have no information about the priorities or funding processes of the proposed new program.

We are worried that the significant progress which has been made in recent years in the area of arts and disability might be jeopardised if the level of dedicated funding to individuals and organisations is impacted by these cuts.'

But it is not just the decrease in arts funding available under this new regime which is causing concern. I have a real fear that moving towards this program of so-called excellence will also help to create—or perhaps not so much to create, more to worsen—a sense of divide between those involved in the arts and those not and, perhaps even more worryingly, create an imaginary and unnecessary concept of what constitutes so-called 'excellent' or 'real' art. I feel that this point has been made very eloquently in this submission to the inquiry from The Theatre Network of Victoria:

The Australia Council's funding programs operate beyond a notion of 'excellence' and instead provide a range of programs which support emerging and experimental artforms, community arts and cultural development.

We truly believe that the outstanding achievements by Australian artists and organisations—whether in film, writing, performing arts or visual arts—have only been possible because Australia has been so successful at recognising that development, experimentation, and nurturing of talent is fundamental to achieving excellence.

All industries rely on a sophisticated ecology: small, risk-hungry R&D groups; organisations with deep community engagement; stable large-scale enterprises; and avant-garde individuals operating solo. The arts is no exception. Without the finely balanced mix of supported individual artists and organisations at all levels, there is a real risk that the whole industry will fail.

Arts Access Australia, the peak body representing artists with disabilities, which I mentioned earlier, also had this to say:

The question is, why has the decision been made to transfer such a significant funding allocation from the Australia Council, Australia's arm's-length, arts funding and advisory body, to a Government Department. This appears to represent a major departure from long-standing Government policy of artistic peer assessment outside of Government.

Moving toward a so-called program of excellence seems to me to suggest that the arts industry has to date been substandard in some way and not meeting the needs of its audience. While, of course, there is always room for improvement in every industry—and the arts industry, like any other, must modernise and change with the times—this is clearly not the case. The arts is a large economic contributor to the nation and, particularly, to South Australia as a state since we do market ourselves as the Festival State after all.

After another successful Fringe and Cabaret season, I read in *The Advertiser* just this morning that there are now plans to export some elements of our very own Fringe festival to China to encourage tourism and strengthen international ties. Research from the Parliamentary Research Library tells me that in 2014 Adelaide cemented its status as Australia's leading arts festival delivering a massive $66.3 million injection into South Australia's economy in the year 2014.

It is clear that this notion that the current funding model under the Australian Council for the Arts, and the Australian arts industry as a whole, has been somehow categorically underperforming is clearly a false notion. In fact, from my reading of the submission to the senate inquiry into these funding changes which I have been watching with some interest, it appears that the council has, in fact, been underfunded historically for the work that it does, and I quote from the Theatre Network of Victoria:

> A 2012 review of the Australia Council (by Angus James and Gabrielle Trainor) found that the Council was underfunded by $22.25 million per annum. This has now been compounded by the recent Budget decisions which have both cut the overall Council funds and also transferred critical funding from the Council—a total of $150.6 million over four years—directly contradicting the recommendations of that very review.
>
> TNV recommends that the $25 million funding per year be restored to the Australia Council, and additional $21.25 million be added to the Australia Council's budget to reduce unfunded excellence.

Since I just spoke about the Fringe festival, now is probably a good time for me to reflect and put on the record some of the concerns which exist in the community, and in my own mind, that this change is being viewed as a captain's pick system which will weed out small-to-medium arts organisations.

As you may have gathered from some of the points I have already made, small-to-medium arts organisations may not make the news regularly but I know from experience that they do change lives. They changed mine. Not only do they give lesser-known artists the chance to exhibit their talents and hone their skills, but in fact they give a platform to become those better-known artists of tomorrow.

My point is that without taking some risk or perceived risk on funding artists who may not be well known or who may produce non-traditional or controversial works, there can simply be no real future for the arts industry in Australia as no new interesting material is produced and no new voices are heard.

As members may know, I am the very proud ambassador of No Strings Attached Theatre of Disability, a small community-based theatre company making theatre by, for and about people with disabilities. In the scheme of things, I suppose you could argue that No Strings Attached is one of these small players. In fact, it was once put to me that the content that No Strings Attached produces is, in fact, not art but welfare because, of course, it involves people with disabilities, and everything involving people with disabilities is automatically welfare.

The Hon. S.G. Wade: Kelly, that is a terrible thing to say.

The Hon. K.L. VINCENT: It is a quote from someone else; I am allowed to say it because I am about to correct them, don't worry. I think it is a difference between giving something to somebody that they do not have out of sympathy, and giving someone a platform to find that in themselves out of empathy. Let me tell you, Mr Acting President, it is the latter that companies like No Strings Attached provide.

Throughout my time with No Strings Attached, as well as my enormous personal development—without which I probably would not have the confidence to be sitting in this very chamber today—I have seen some of the people who can be most disenfranchised by society, people with disabilities and mental health issues, for example, become recognised writers, performers, musicians and, in turn, even become teachers of their art.

I have seen people who have, for their whole life, been held back by the low expectations and non-support of others start forging real careers. I have seen multiple awards won, I have seen troupes tour the country to perform sold-out shows to rapturous applause, cheers and even tears. Just this week I saw members of the No Strings Attached men's ensemble dressed up to attend the prestigious Helpmann Awards, where they had been nominated for Best Regional Touring Production. If that is what welfare looks like, then I think we could use a bit more of it. No Strings Attached current artistic director P.J. Rose had this to say to me on the changes, when I asked for her feedback as a trusted colleague and friend:

> Over the past two-plus years, the Australia Council has worked overtime and inclusively to involve disparate elements of the Australian arts community/communities in planning changes that would make the distribution of federal financial support to artists practical, fair and transparent. At the exact moment these plans were to be implemented,

Senator Brandis suddenly withdrew money allocated to the Australia Council and redistributed it to his own funding agency. This was a unilateral, non-collaborative, non-consultative decision.

That a minister can make a decision that affects so many, without need for checks or balances or accountability, is anathema to the spirit and practice of democracy. It is inappropriate and dangerous for one human being to have this kind of power, power that has been known in the past as fascism…[and] totalitarianism. This is the same government that wants to put the power to rescind citizenship into the hands of a minister (not the judiciary).

I am not against ministers supporting causes dear to them—in the…1990s, Paul Keating established The Keatings, but he found the money to fund them elsewhere. He did not take money from other artists.

This quote from practising visual artist Kieran Stewart also talks about the importance of supporting small to medium arts industry organisations very eloquently:

Small organisations are where the arts come from. These spaces are run by peer review panels and an arts community exploring the merit and value of creative practitioners is how we mediate and moderate what content gets shown in the arts because things are so competitive. It's how we challenge each other and push ourselves to create worthwhile content. Because we know that 10 per cent of emerging artists may only get the chance to get a space where they have to pay almost twice their own rent to get a space to share what they are passionate about. Most work extremely hard to undertake this and require small to medium organisations and their support to undertake these endeavours and become better artists. Without the support of these organisations to secure funding emerging artists would have to pay many thousands more to hire a space to exhibit or perform.

This quote, from the artistic director of Black Hole Theatre, Nancy Black, also makes the point very well:

I am especially committed to this small-medium sector because it is the whelping box of our culture. From it spring the new ideas and forms, the startling approaches, and the emerging talent. That sector takes risks that the major companies can't afford to contemplate. In addition, the small-medium companies reach thousands, if not millions, of people nationally and internationally, spreading those wonderful ideas, engaging those audiences, opening new windows to people at all income levels, enhancing the view of Australia and enhancing our cultural capital. If our culture is a garden, then we, the small-medium sector, are its gardener and compost. We dig the ground, sow the seeds, water them tenderly, and provide the nutrients that enable those seeds to grow.

Juliette Zavarce, the producer of True North Youth Theatre Ensemble, sent me a copy of a letter that she sent to the Senate inquiry, and I would like to read it in its entirety because I think it makes a lot of valid points about the true ramifications of these changes. She states:

My name is Juliette Zavarce and I am the producer of AJZ Productions and also a local youth theatre company True North Youth Theatre Ensemble. We have classes in Hillcrest and Klemzig and also Elizabeth, South Australia.

We do both professional productions along with productions with our Youth Theatre Ensemble under the banner of True North. Our company is led by award winning theatre maker and Director Alirio Zavarce. Alirio is well known in the arts community and has had several award winning works throughout his career. To survive as an independent artist Alirio has had to be extremely resourceful using all of his talents as a teacher, actor, musician, writer and MC. His most recent touring show 'Sons and Mothers' explored the relationship between a son with a disability and his mother which toured nationally with a group of artists with a disability and has recently been nominated for a Helpman [sic] Award. This tour would not of been possible without the support of The Australia Council.

True North Youth Theatre Ensemble was developed in 2013 by a partnership with the Port Adelaide Enfield Council and has grown to four groups and 50 members. True North has an ethos to provide quality arts training to young people from a variety of economic and social backgrounds.

Many of the 50 members of our group are on a scholarship and pay no fees to be part of our ensemble. We work with some of the most marginalised families in our community and the impact we are having on young people's lives is extremely important. At True North [what] we learn by making productions is crucial in terms of our teaching method. It also gives us as a community a reason to come together and the impact on the ensemble members self esteem, confidence and worth is evident.

We employed 12 artists this year who worked with the ensemble developing and delivering performance outcomes. These included set designers, projection artists, film makers, photographers, graphic artists, tutors, play writers and technicians. As a small to medium arts organisation we have limited options in terms of funding. We work hard to obtain sponsorship, fundraise and also obtaining local council support to continue as an organisation. However we rely on Arts grants in order to pay for the production costs that are so crucial to our ensemble. These production costs are the wages of our production team.

The recent changes made by Mr Brandis has essentially moved funding from The Australia Council to his cabinet control. This has given us grave concerns about the future of small to medium organisations such as ours.

Our major concern is that there was no consultation with the Australia Council prior to this funding change. There seems to be no peer assessment in terms of how this money is going to be handed out. And lastly and most

importantly this essentially will be a second bureaucracy in terms of the administration of the very limited funds available to the arts community.

This will also be without question a duplicate of what already exists in the Australia Council. What this means is that more money is going to be spent on arts administrators rather than the artists and the project outcomes themselves. This seems extremely unfair and is a duplication that is not necessary.

We are making a real impact on people's lives, and the work we are doing is as important as the major organisations. We are often the ones who put in incredible hours without pay to stay afloat. We are the innovators and we are at the coal-face, and we do not want state-sanctioned art. I am certainly frightened of a future where the only true option for an art experience is the so-called high art such as ballet, chamber music and the opera that seems to be what Mr Brandis is focusing on. These are largely unaffordable and inaccessible to the community.

So, as you can see, the small to medium organisations which fear they will miss out the most by these funding changes are arguably those who most need our support and those we most need in our community to give a voice and career and social opportunities to those who are most disenfranchised and isolated.

The last point I would like to make is perhaps the most concerning one, and that is the fact that, according to recent media coverage, Senator Brandis does not seem to fully understand or comprehend the extent of his own arts funding changes, and here I will make a brief quote from an article from the online news site Crikey:

Crikey today revealed that Arts Minister George Brandis was 'completely flummoxed' by aspects of his own controversial changes to arts funding and their effect on the Australia Council. Regional arts administrators told *Crikey* that at a meeting with leaders of small arts organisations in Queensland, Brandis misstated elements of his policy and blamed the Australia Council for chaos in the industry.

Brandis reportedly told the meeting that the Australia Council's six-year funding round for small to medium arts organisations had been 'postponed' when it has in fact been cancelled. The six-year funding round is one of the Australia Council's key programs for funding smaller organisations, and the Council was forced to cancel the program when Brandis cut $105 million from their budget over the next four years to establish his own National Program for Excellence in the Arts.

Brandis may be 'flummoxed' by these changes, but those who have given me these words to say today are most certainly not. These are the people who operate with the ramifications of these changes in their day-to-day life, and the issues are clear.

I would hope, of course, that all members support the arts, but the fact is that you do not have to be an arts goer or an arts lover to understand that it is wrong to make such a brash decision which will affect so many lives, careers, social opportunities and futures without the proper consultation of those affected. With those brief words, I strongly encourage all members to do what they can to look into these changes to understand the true ramifications and to make sure that we can truly free the arts.

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

Sitting suspended from 18:03 to 19:48.

Bills

CONTROLLED SUBSTANCES (POPPY CULTIVATION) AMENDMENT BILL

Introduction and First Reading

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:48): Obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984. Read a first time.

Second Reading

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:49): I move:

That this bill be now read a second time.

As a former farmer coming from South Australia's South-East, I have always been very aware of our state's agricultural heritage. Our economy was founded on farming, and what a way it has come since that time. Our total agricultural production is some $4.6 billion in grains, horticulture, livestock and, of course, wine and many other products. There are some 24,000 direct farming jobs in South Australia and there are some 4 million hectares of crops.

As the world's insatiable appetite grows for our exports, so do our export opportunities. That global demand means that South Australia can now continue to be a big provider for as long as rain falls from the sky. Now more than ever, South Australians are beginning to realise that we cannot take every thing and every sector for granted. Our traditional manufacturing industries are dying and the mining sector is at a very low point at the moment. Appreciating our agricultural sector rather than simply assuming that it will continue to provide is the South Australian government's greatest responsibility. But what does appreciating agriculture really mean?

It means recognising global competition and responding but becoming more competitive ourselves. It means facilitating farmers' access to technologies and practices that will allow them to grow and prosper. It means planning and investing in research and development for the future rather than taking money away. It means being proactive, identifying new market opportunities for South Australia and making provisions for those opportunities to be accessed.

For those reasons, it grabbed my attention when I saw reported early last year that the farming opportunities for opium poppies in Tasmania have become so lucrative that other states were looking to get in on the action on the tight monopoly which Tasmania had held. To understand the potential of this industry you need to consider the long-term trend of alkaloid use. The world's ageing population has increased, as has the use of drugs like Nurofen Plus, Panadol Osteo and Panadeine to such a degree that demand for opioids has more than tripled in the last 20 years.

Tasmania has been growing opium poppies for almost 50 years now and it can claim the title of being the largest legal supplier of opiates in the world. The Tassie industry alone is worth some $290 million per annum and now accounts for 8 per cent of Tasmania's primary industries. There are 1,000 farmers contracted to grow poppies and more than 30,000 hectares are grown each year. In the five years leading to 2013, the production of opiates increased 124 per cent to 452 tonnes.

Therefore, it was no surprise that Victoria in 2013, and the Northern Territory in 2014, pressed ahead with allowing commercial production. The former Victorian agriculture minister, Peter Walsh, anticipated that the poppy industry could be worth $100 million to Victoria within the decade and there are currently about 1,000 hectares of crops in the ground in Victoria, and they expect that to go to some 4,000 hectares next year.

Recently, in June, I visited a poppy farm that a farmer had bought in central Victoria, and I also met with a representative of TPI which is one of Tasmania's biggest purchasers and contractors of poppies. They were kind enough to travel to meet me there. It was a really good opportunity to sit down and talk with the farmer, discuss the industry and discuss the opportunities that he saw that it presented for him. It was abundantly clear that he recognised the opportunity and was extremely excited about the potential for growth. For him, and undoubtedly other Victorian farmers, the ability to tap into this industry has presented a long-term security and profitability that many farmers with traditional produce can only hope for.

The visit only confirmed my desire for South Australia to get a slice of the action. With the legislation I have tabled, the bill we are discussing this evening is the Controlled Substances (Poppy Cultivation) Amendment bill 2015. Its essential element is the creation of a licence to cultivate alkaloid poppies and process poppy straw. The bill grants the chief executive of PIRSA with particular powers regarding licence applications and inspection, and enforcement provisions are created. The chief executive is granted power to appoint inspectors, along with SAPOL inspectors, and a host of offences for the contravention of these licences are created by the bill.

Essentially, this bill is a tailored version of the Victorian legislation. Initial feedback from industry is an indication that much of South Australia's potential poppy farming industry will be situated along the areas of the Limestone Coast geographically close to Victoria, so it makes sense that, if they are doing something across the border, we should be looking at perhaps mirroring their legislation.

I am also grateful for a host of people from the agricultural industry, poppy manufacturers and government who have taken the time to respond to the draft bill which I circulated in the community in early May. The response has been positive, which is largely expected, as farmers and manufacturers were involved in the initiation of the bill. Farmers recognise the potential of an industry in South Australia, and in particular there are farmers who are within a stone's throw of the lucrative

Victorian farms. Indeed, their weather and soil conditions are identical, but offering different legislative controls. There is no reason the industry could not thrive in South Australia, as it is just across the border.

Members would know that I was farming on the South Australian/Victorian border and clearly these crops could be as close as you and I, sir, with one farmer not able to grow them and one on the other side of the border being able to grow them, so it makes sense that we look at this opportunity for our South Australian farmers.

I am told that farmers in the Limestone Coast region have been looking for viable, profitable alternatives to utilise in their rotations. Of course, they often grow lucerne, other vegetable crops and small seeds. So, opium poppies are looked upon as a crop that you might use in that rotation; you would not grow them on the same ground every year, but they would be part of your farming operation.

The particular area under these irrigated crops in the Limestone Coast prescribed wells areas are around 15,000 hectares, but there are a further 25,000 hectares utilised as irrigated pasture for dairy, beef and lamb, so you can see the potential of some 40,000 hectares that have adequate underground water, because the opium poppy will require some irrigation. It is sown at the same time as canola, so it is after the autumn rains, but it will probably usually require some irrigation to finish off the crop. The bill will help some of these regions, if they are allowed to grow poppies, to remain profitable and viable, and it helps their rotation.

I also met with the MacKillop Farm Management Group. They made a submission to me and, like me, they have been engaging with three property process companies operating in Australia who also see the potential to contact growers here in South Australia. Another submission on the bill was from Grain Producers SA, and they summed up their position saying that they support grain producers having the right and the opportunity to make production choices within legal parameters. That is the fundamental purpose of this bill. It is my role as shadow minister and, indeed, the government's role to give farmers flexibility and choice.

GPSA did not make a representation on the commercial viability of the proposal. Sensibly they seem to recognise that the value of the legislation was simply to present an opportunity for the industry to develop pending the decision for the farmers to use a legal opportunity it would be providing.

Obviously, I wrote to all the responsible ministers, the Minister for Health, the Minister for Police, and of, course, the Minister for Agriculture. At the time it was interesting that his response didn't centre on providing farmers with an opportunity of getting involved in the poppy industry, but rather it focused on issues largely outside the jurisdiction of the South Australian parliament, a decision for manufacturers. Minister Bignell's comments were that we did not have any manufacturers actually coming to South Australia wanting us to grow the poppies. It is a bit like putting the horse before the cart or the chicken before the egg. You have to have the legal framework in place to allow the cultivation of poppies, and then the manufacturers will come.

It was pleasing today, as I met with the minister on some other matters and I raised it with him, and he said he had no problems with the concept of supporting this bill. He thought it was important to do so, and I am encouraged by the two ministers in this chamber tonight saying, 'Please don't be too long winded because at this point in time the government's inclined to support the bill,' and they are threatening that if I am too long winded they will withdraw that support, so I will endeavour to keep my remarks somewhat brief.

Ultimately, providing the legislative framework is within our control and, notwithstanding other influences, my position is simply, as I said, to open up the door for the opportunity. We, as legislators, should not wait until the stars align but should put that opportunity there to enable manufacturers to put some contracts in place with the South Australian farmers.

I know that in the minister's submission to me he said that he had to seek further advice on the legal and other implications with the relevant agencies. It is appropriate to note here that I recently wrote to Mr Scott Ashby, the Chief Executive of PIRSA, seeking his advice on a particular legal query that was raised on the draft bill. I believe at the moment there are no registered pesticides and

herbicides for use on poppies in South Australia, and the use of pesticides could leave the applicator or farmer liable if applied contrary to the label.

I am aware that the agricultural chemical products must be registered by the APVMA. In South Australia the main legislation controlling the use of agricultural and commercial pesticides is the Agricultural and Veterinary Products (Control of Use) Act 2002, and the associated regulations.

This legislation is administered and enforced by PIRSA. Registered products have labels instructing on use, but if there are no instructions for the use of that crop in South Australia, the product may not be used on that crop if it is listed for another state. I presume that the appropriate chemicals for poppy cultivation are listed in Victoria and can be applied here. However, I have sought Mr Ashby's advice on whether that is so, and I am confident that it will just be a matter of some changes, of some printing on some labels, but I have asked Mr Ashby for advice on that. It is my intention that this bill will lie on the table over the winter break. I am hopeful that we will have some clarity around that issue and I would like to progress it as soon as we come back from the winter break.

Also, the police commissioner provided me with a very detailed submission on the bill, and I thank him and SAPOL for taking the time to consider the potential in detail. The police have had considerable involvement in implementing this legislation with regard to inspecting farming operations and considering and recommending the granting and refusal of licences. As mentioned, SAPOL made a number of technical suggestions, some of which have been included in the redraft of the legislation, and some of which have not been regarded as based on advice from parliamentary counsel. I will not go into depth about the detail of the suggestions, but here is a brief outline and here are the reasons I did not take up some of the suggestions of the South Australia Police.

With regard to the licence application, SAPOL was concerned that there was no offence created for making a false or deliberately misleading statement in support of an application. I am advised that section 60B of the Controlled Substances Act (False or misleading information) already provides for this provision.

SAPOL was also concerned that the meaning of a suitable person was not defined in terms of who a licensed grower can employ to be active under this licence. There was a suggestion that the term 'suitable' should be replaced with the term 'fit and proper person' as a definition which covers other South Australian acts. Firstly, I am advised that a court would not have an issue defining what a suitable person is, particularly given that if engaged they can have regard to the Victorian and Tasmanian legislation. Further, it is perhaps not appropriate to suggest that employers should deem people fit and proper. They would essentially be acting as de facto police officers.

SAPOL raised the issue that the bill does not provide a requirement that the business is to be managed by an approved person. They suggest that it would be possible for a licence to be granted to a body corporate and managed by a natural person who does not fall within the definition of a disqualified person or an associate. However, that person may not pass a fitness and propriety test based on criminal intelligence. It is noted that a similar requirement is contained in the Liquor Licensing Act.

It has been put to me that this provision is more appropriate in the liquor licensing context, because management has a requirement to maintain standards, for example, capacity limits and alcohol consumption, etc. that are related to licensed premises. In a poppy farm, members of the public are not allowed in, so the delineation between the licensee and management functions is less pronounced.

I am happy to engage with South Australia Police and the minister and the commissioner over these provisions during the consultation period now, after having tabled the bill. I have also pre-empted a possible concern which is raised primarily on behalf of PIRSA. It was during one of the initial discussions, when one of the farmers down in the South-East had contacted the former chief executive of the department of environment and heritage, as it was back then, Mr Holmes. He had gone to school with him and he had spoken to him about the possibility of doing this, and Mr Allan Holmes had said, 'Look, we haven't got the resources, we haven't got the manpower, we haven't got the people, we couldn't possibly do it.'

That is around the departmental resources for providing the inspection service to make sure the farms have adequate signage, adequate fencing, the gates are locked, etc. I suggested throughout the drafting of this bill, particularly given that the likely geographic situation of the South Australian main poppy growing area would be near to the Victorian border, that it would be appropriate to authorise Victorian officials to inspect the South Australian farms. Particularly through the start-up phase of the industry, it would seem practical to have an option for Victorian officers who are already doing the same work just over the border to do it in South Australia.

I did mention to the chief executive of PIRSA, Mr Scott Ashby, today in the meeting I had with the minister, that that was an option that we should look at, especially in the first couple of seasons, when you will probably only have two or three farmers with 40 or 50, or 100 hectares each. It would not be a big industry; just make sure that we use the Victorian resources to get the industry off the ground. You can see that this, I think, would be an easy way to do it. I think under section 30Z of the bill, the chief executive of PIRSA is able to delegate that responsibility to a Victorian official.

So, Mr President, I will not go on too much longer, because we probably have a long evening ahead of us, but I think it is an opportunity to allow our farming community anywhere where there is adequate underground water, or water for irrigation at a reasonable price, an opportunity to develop a new industry. My understanding from the TPI representatives I met at Boort is that they are looking for about 10,000 hectares in Victoria and potentially South Australia, so it could be something like 7,500 to 8,000 hectares in Victoria and 2,000 or 3,000 hectares in South Australia. I think this presents a wonderful opportunity for another diverse product; it will not be hundreds of millions of dollars but it will still be an important industry for our state to consider. With those few words I commend the bill to chamber.

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

Motions

COMPULSORY PROPERTY ACQUISITIONS

Adjourned debate on motion of Hon. J.A. Darley:

1. That a select committee of the Legislative Council be established to inquire into matters related to the compulsory acquisition of properties as part of the state government's north-south corridor upgrade, including:
   - (a) current acquisition policies and procedures of the Department of Planning, Transport and Infrastructure (DPTI) including a comparison of the effectiveness of these policies compared to past practices of DPTI and the Rehousing Committee;
   - (b) the role of the Crown Solicitor's Office in the acquisition process;
   - (c) the effect the compulsory acquisition process has had on dispossessed owners, including:
     - (i) their ability to purchase another property;
     - (ii) changes to personal, financial and psychological circumstances;
   - (d) DPTI's requirement to negotiate, in good faith, with dispossessed owners;
   - (e) the fairness of compensation offers made to dispossessed owners;
   - (f) the use and relevance of market value when considering compensation;
   - (g) valuation practices and methodology used in determining compensation;
   - (h) the ability for dispossessed owners to exercise their legal rights; and
   - (i) any other related matters.
2. That standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 6 May 2015.)

The Hon. G.A. KANDELAARS (20:06): I rise to speak on behalf of the government to respond to the honourable member's motion. Having a house acquired that you have been living in for many years is a very stressful event for any individual, couple or family. It is something the government wishes it did not have to do but, given the nature of the north-south corridor, it is unfortunately unavoidable. That is why the government has worked, and is continuing to work, very hard to reach amicable settlements with all property owners along the north-south corridor for both the River Torrens to Torrens Road project and the Darlington upgrade project.

It will be no surprise to members that the government opposes this motion, because there are already strict requirements on government in place to ensure that the process of property acquisition is fair and equitable. I am advised that the Minister for Transport and Infrastructure and the chief executive of the Department of Planning, Transport and Infrastructure have met with the honourable member on a number of occasions to discuss the issue of land acquisition generally, as well as acquisition matters on the Torrens to Torrens and Darlington upgrade projects.

While noting his previous role as the former valuer-general a number of years ago, the honourable member has previously been advised that the department undertakes the following practices during acquisition processes:

- Each property landowner is negotiated with under the provisions set down in the Land Acquisition Act 1969;
- DPTI endeavours to deal with each property owner in a fair, consistent and confidential manner based on their own individual circumstances;
- DPTI is taking appropriate steps in both projects to ensure that property owners receive fair market value for acquisitions on the project;
- The valuations are completed to professional standards set down by the Australian Property Institute for compulsory acquisition purposes;
- It is also recommended by the department to property owners that they obtain their own valuation of their property, for which DPTI will reimburse reasonable costs;
- This also applies to property owners seeking their own legal advice, which is recommended by the department; and
- Importantly, the government strongly recommends independent advice during the acquisition process so that property owners are able to negotiate on an equal footing.

The department will also provide other heads of compensation to include amounts to cover the owners expenses in transferring their property to Department of Planning, Transport and Infrastructure. That is conveyancing and statutory searches; expenses related to the acquiring of a new property, with stamp duty, transfer fees and conveyancing reimbursed; general disturbance compensation, which includes an amount for locating an alternate property; connection of services; and removal costs. The department has also provided one-on-one assistance to householders and businesses to find a new property. In circumstances where it is not possible to agree on an amount of compensation, the property owner has the right to seek the matter to be resolved through the courts.

I am also advised that the shadow transport minister in the other place has also received a briefing from the department on property acquisition matters on the north-south corridor where these practices were outlined. However, despite providing this opportunity to raise specific issues in this forum, the opposition, I am advised, has decided to support the honourable member's motion to create yet another select committee. An important point to make is that the department, on both major projects on the north-south corridor, has been able to work together with residents and business owners to settle voluntarily.

With over 180 properties identified for acquisition on the Torrens to Torrens project, the overwhelming majority settled voluntarily. I am advised that of the 164 properties only one property remains, which DPTI is negotiating a right of entry to. Furthermore, to date, DPTI has successfully

negotiated access to approximately 99 per cent of the required properties. Importantly, to date the department has successfully reached agreement in regard to compensation with approximately 85 per cent of the parties. The department is still negotiating with the remaining parties in an attempt to reach mutually acceptable agreements. DPTI has also provided many extensions to property owners to allow time for alternative homes to be found or to resolve other affairs.

In regard to the Darlington upgrade, I am advised that approximately 45 per cent of the required properties have been acquired to date. These properties have been voluntary sales through the department approaching businesses and homeowners. I would also like to note that the creation of yet another select committee will require significant departmental resources for preparing and appearing as well as providing formal material before this potential select committee. This is a resource that would be better spent actually dealing directly with the affected businesses and homeowners along the corridor to resolve matters as quickly as possible. This would be in the interests of everyone.

In addition, any redirection of resources have the significant potential to lead to delays in the acquisition of properties along the corridor, creating a risk for both projects. Therefore, there is a potential to delay these important projects for South Australia. However, given that the opposition wanted to cancel the Torrens to Torrens project prior to the last election, I expect that they will support this motion. The responsibility for the delays on both the Torrens to Torrens and the Darlington projects as a result of creating an unnecessary select committee I feel will be left directly at the feet of the opposition.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (20:14): I rise on behalf of the opposition to indicate—as the Hon. Gerry Kandelaars has pointed out—that we will be supporting the Hon. John Darley's call for a select committee. I do so for a number of reasons. Clearly, Mr Darley and the shadow minister, Mr Corey Wingard (our very hard working shadow minister and member for Mitchell) have been contacted by a number of stakeholders who have been concerned with the process.

Obviously the Hon. John Darley is the former Valuer-General and I am sure he has not moved this motion to establish the select committee lightly. He knows that we have a number of them in this place but I trust his judgement that this is one that he sees as being important to get some clarity around the issue of land acquisition.

It seems that every time there is a major project—and take the Northern Expressway, which was probably before the Hon. Mr Kandelaars was elected here. I suspect that there were some significant concerns around that project, and there seem to be concerns every time. We talk about providing infrastructure for centuries to come and I am sure there will be a significant land acquisition and property acquisition over the next decade in South Australia, so I see this as an opportunity to have a look at what we are doing to see whether people are being treated fairly and equitably, that the system works well and works quickly.

The Hon. Mr Kandelaars and I drove along South Road, the Torrens to Torrens project, only a couple of days ago and nearly all the properties have been demolished but there had been some concerns when the project was first announced nearly a decade ago to underground underneath the railway line and Port Road and that area there, so it was not the full Torrens to Torrens project and I think the government actually backed away at that point because of land acquisition issues and, of course, the relocation of quite a large substation there.

We do have quite a bit of other business to deal with this evening, so I will not go on any longer, but I indicate that we are happy to support the Hon. John Darley's motion to establish a select committee. We think it will give us an opportunity to have a look at the current compulsory acquisition and land acquisition procedures to make sure that we can fine-tune them to give the community a bit more comfort and also the current government and any future governments some comfort that the parliament has had a look at the process and it is world's best practice.

The Hon. M.C. PARNELL (20:16): The Greens, too, will be supporting the creation of this select committee and we congratulate the Hon. John Darley on bringing this issue to us. Like the honourable member, I have received a great deal of correspondence over the last year or two from

people who have been concerned and frustrated at the approach the department has taken to compulsorily acquire their properties for these road projects.

I accept what the Hon. Gerry Kandelaars says that many or even most of them might have been negotiated willingly and in good faith, but certainly not all of them. Some of the stories that I heard and some of the properties that I visited really do raise the alarm bells about how the government conducted this process.

For example, one area that I hope this committee will look into is the delay between the announcement of an intention to compulsorily acquire and the actual formal issuing of notices, because that put these property owners in limbo. Many of them suggested to me that they thought it was a deliberate strategy to try to devalue their properties before the negotiations began. If you are the owner of a property that you know is earmarked for eventual acquisition, your ability to rent it out, for example, is very much diminished, so these people were basically pleading with the government to bring it on—issue the formal notices, let's get negotiations underway—and yet the government dragged its feet. So, that is certainly worth having a look at.

I have to comment on the Hon. Gerry Kandelaars' comment that somehow the creation of a select committee of the upper house of parliament is going to delay these projects and it will be all our fault. I have not heard such a petulant comment from the honourable member for some time because he knows full well that nothing select committees do in this chamber delays executive action. In fact, to its discredit, the government has a habit of completely ignoring select committees.

Others will correct me if I have it wrong, but certainly under the Parliamentary Committees Act there is an obligation on the government to respond to reports from standing committees but there is no obligation, as I understand it, for the government to respond to the recommendations of select committees. They exercise their right regularly to not respond to select committees, so for the honourable member to suggest that somehow a vote to be taken shortly is prejudicing all this economic activity is laughable.

I will pose the question: what if it did? Let us have a look at these projects, whether it is the Darlington project or the Torrens to Torrens project. We ask ourselves: what evidence is there for the massive expenditure of funds that is proposed to show that these projects will actually achieve anything? That might sound quite a radical proposition, but if members have studied international and Australian trends over the last few years they will know that there is a law of transport, and it is akin to a law of physics, that traffic expands to fill the available space. It is what has happened everywhere on the planet. In fact, even the United Kingdom royal commission into transport, which must be 20 years old now, the number one recommendation of that royal commission was: stop building new roads, they do not work. They destroy cities. They do not relieve congestion.

There is even more literature at the moment, analysis from around the world, to show that even congestion itself is overstated. Historically, transport planners only have one answer to congestion and that is to increase road space. Of course, there are a range of other options, such as providing alternatives like public transport and land use planning to reduce the need to travel. So, the Greens are very sceptical of the cost benefit of these projects. In fact, when we asked the government for an overall cost benefit analysis for the north-south road project, there is none. There is cost benefit analyses for little aspects of it, which I think are dubious, but there is no overall project.

As we know, this north-south freeway that the RAA has been calling for for years is the last remnant, the last hurrah of the MATS plan (the Metropolitan Adelaide Transport Study), that plan for the 1960s which involved contracting American traffic engineers, giving them a map and a texta colour and telling them to do their worst, and they did. Like a little kid with a crayon, they drew freeways all over Adelaide, all aspects of it. Even in the foothills of Adelaide where I live there was going to be a freeway along what is now Ayliffes Road. There were freeways everywhere, and that was the MATS plan. The government sensibly abandoned most of that, but they have hung onto this dream that we will have a north-south freeway, and that is to be South Road.

I will just refer members to some of the recent literature and commentary that is out there. There is an excellent article by Leigh Glover from the University of Melbourne, 'New freeways cure congestion: time to put the myth to bed.' He actually explores a range of myths, including the one that faster speeds reduce fuel consumption and lower emissions. They do not, they make them

worse. That freeways help outer suburban communities. They do not. That road congestion is a drain on the economy. It is not. That was a 2013 article.

There is a more recent article from 2015 by Jake Whitehead from the Queensland University of Technology, 'Traffic congestion: is there a miracle cure? (Hint: it's not roads).' The one I do want to refer to a little bit is one that came out two days ago from someone who is known to some of us here, Professor Peter Newman, Professor of Sustainability at Curtin University. The Environment, Resources and Development Committee consulted with Professor Newman on our public transport inquiry some years ago.

Peter Newman is probably this country's foremost authority on transport, on oil dependence and on the impact of traffic on cities. His article in *The Conversation* from two days ago is, 'Don't panic! Traffic congestion is not coming for our cities.' He points out that in Adelaide, in other Australian cities and around the world in developed countries the congestion trends have been based on projections and not on actual data. He points out that, in reality, Australian cities peaked in car use per person in 2004, and that happened in all developed countries in the world. That is not to say that there is not, as the population grows, more cars on some roads some of the time, but the point is that there are solutions other than roads to deal with that problem.

Professor Newman points out that for decades the transport planning profession has used what is known as a four-step model for predicting traffic and hence providing for road capacity, and they never suggest other options, they do not suggest public transport or land use changes, and that most European countries have now done away with that type of modelling because they have seen what it did to the heart of American cities.

So, really the issue of these major road projects, north and south, is, as I once described in response to an RAA survey, a little bit like the man who goes into the doctor and says, with a very nasally voice, 'Doctor, doctor, my nose is terribly congested', and the doctor says, 'No problem, sir, we'll just widen it.' That is the approach that road traffic planners have had to perceived congestion: you do not deal with the problem, you just create more road space.

That may be relevant to the terms of reference of this inquiry because it is to do with spending billions of dollars creating a freeway north and south. I notice that 'Any other related matters' is included as one of the terms of reference for this inquiry, and I hope that the committee will see its way to looking at not just the valuation issues and whether people have been dealt with fairly in terms of the compulsory acquisition of their properties but in fact whether these projects have any merit at all in the 21st century.

The Hon. R.L. BROKENSHIRE (20:25): I rise briefly to advise the house that Family First will be supporting the Hon. John Darley's proposal for a select committee. I accept that we are inundated with select committees at the moment, but there is a simple reason for that, and that is that we do not have a transparent government, we do not have a government that goes out there and actually talks with the people, works with the people and acts on behalf of the people. That is why we have these select committees. If the government, after 14 years in this place, woke up to the fact that they do not dominate and that they are in a privileged position, we would not have to have these select committees.

Having said that, I indicate that we will be supporting the Hon. John Darley for different reasons from the Greens', I might add. We would not be here debating this tonight if the Labor governments that have dominated this parliament for most of the last 50 years had taken on the opportunity of what Sir Thomas Playford put forward with the MAT scheme, which was to have a proper road infrastructure plan that would roll out over a period of time to give Adelaide an economic advantage and the advantage of being able to grow properly and be a real economy and a real power player in Australia. Instead, what happened is that as they accumulated debt and mismanaged the economy they flogged that land off, and that is why we have the problem we have today.

Having said that, we support the Torrens-to-Torrens project and we do support fixing up Laffer's Triangle at Darlington, because it is still a dog's breakfast when you come off the duplication of the Southern Expressway. But we are supporting the Hon. John Darley for one reason only, and that is because people need a fair go when compulsory acquisition occurs. We have to have

legislation that allows compulsory acquisition, because we have to look at the interests of the broader community.

In saying that, we also have to ensure that when compulsory acquisition occurs people get a fair go. I have dealt with too many people over a long period of time who do not get a fair go when compulsory acquisition occurs. So, let's have an open and transparent inquiry into this to look at better outcomes for that small percentage of people who are disaffected in order to give the absolute majority of South Australians an opportunity.

I will finish with this one point: have a look at the record. When Martin Hamilton-Smith was with the Liberal Party, before he was given the opportunity of aspiring to become the leader and the premier, he was out there championing the problems with respect to the extensions and improvements of Portrush Road and of the Gallipoli Underpass and saying how bad it was that the Labor Party was screwing people because it did not pay proper compensation. So, I hope Martin Hamilton-Smith supports this select committee because, if he does not, he is an absolute hypocrite.

We support the select committee for the purpose of looking after people who are disaffected. I am surprised that the government, with Mr Hamilton-Smith as a senior minister in the Labor cabinet, is not out there supporting this select committee for the reasons he used to espouse in order to protect people. All of a sudden, the ball game has changed. Well, it has not changed for Family First, and we are supporting the Hon. John Darley.

The Hon. J.A. DARLEY (20:29): First of all, I would like to thank the Hon. Gerry Kandelaars, the Hon. David Ridgway, the Hon. Mark Parnell and the Hon. Robert Brokenshire for their valuable contributions, and I commend the motion to the house.

Motion carried.

The Hon. J.A. DARLEY (20:29): I move:

That the select committee consist of the Hon. Gerry Kandelaars, the Hon. David Ridgway, the Hon. Terry Stephens, the Hon. Robert Brokenshire and the mover.

Motion carried.

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

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 18 November 2015.

Motion carried.

APIARY INDUSTRY FUND

Order of the Day, Private Business, No. 34 Hon. G.A. Kandelaars to move:

That the regulations under the Primary Industry Funding Schemes Act 1998 concerning Apiary Industry Fund, made on 30 October 2014 and laid on the table of this council on 11 November 2014, be disallowed.

The Hon. G.A. KANDELAARS (20:30): I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

Bills

STATUTES AMENDMENT (SERIOUS AND ORGANISED CRIME) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 July 2015.)

The Hon. M.C. PARNELL (20:30): I will start by saying: here we go again—here we go again with bikies laws, the bikies laws that took dozens of hours of debate in the year 2008. In subsequent years, amendments were moved and, notwithstanding all that has been done and all the time that has been spent on it, many of these laws have never been actually tried or used. We know

that anti-bikie legislation has been an issue across the country. Various states have tried various mechanisms, and the High Court has ruled many of them to be out of order. I say with some pride that I am the only person left from the parliament of 2008 who voted against these laws. I predicted at the time that they would be found to be wanting on the grounds of their abuse of human rights and their infringement of legal principles. The High Court said that the Greens were right. For the record, the other people—

The Hon. S.G. Wade: Not exactly those words.

The Hon. M.C. PARNELL: The Hon. Stephen Wade says the High Court did not actually refer to the Greens as being right. I am paraphrasing that the position that we took was the position that the High Court vindicated. For the record, the other people who opposed the serious and organised crime legislation were the Hon. Sandra Kanck from the Australian Democrats and Independent member in the lower house, Kris Hanna. Everyone else caved in, and they caved in not because they thought they were good laws that were being passed, they caved in because of a simplistic and pathetic campaign that labelled anyone who did not support the law as a friend of the bikies and soft on crime.

These laws have been with us for some time. The government has now decided that, notwithstanding that the provisions for the declaration of criminal organisations have not been tested, they are going to throw those out and put a new system in, the one that is before us today with this bill. As I say, the political context has not changed that much. Certainly, the Attorney-General's comments on any suggestions of dissent or wavering to the one true path have been met with a label that you are soft on crime. Well, we did not succumb to that back in 2008 and we are not going to succumb to it today.

In some ways, in politics people often suggest that there are too many of certain types of professions in the parliament, and two that are usually brought out for special mention are too many trade union officials and too many lawyers. I have to say that I think we are down to three lawyers in the chamber. Those of us who are lawyers do bring a particular perspective to these debates, and it is a perspective that is bigger and beyond the simplistic arguments of the day in relation to crime and whether you are soft on crime.

What lawyers know from their training is that we have a rule of law, we have provisions in our Westminster system of government, such as the separation of powers, and we hark back not literally but figuratively to ancient documents, including the Magna Carta, celebrating its 800th anniversary this year, and lawyers tend to understand that there are bigger principles at stake.

When we debated this legislation back in 2008—I do not remember how long I spoke for, but I would be surprised if it was less than an hour or two—I recall that I had dozens, maybe even more than 100, amendments to the legislation. This time around, I will not be speaking for as long and I have no amendments to table. The Greens will be opposing this legislation, and we will be forensically examining the bill in committee, and I look forward to that stage.

I want to refer very briefly to one of the second reading contributions, that is, the speech of the Hon. Andrew McLachlan (the date of which escapes me), one of the three lawyers; the other one I understand is the Hon. Stephen Wade. I do not believe there are any others, but they will correct me if there are. We are the three lawyers in the chamber. The Hon. Andrew McLachlan's contribution on the second reading said many of the things that I would have said today. He referenced many of the same legal principles, including the separation of powers that I referenced back in previous debates.

I reread the honourable member's speech just recently and found very little in it that I did not agree with. I think it is an excellent, thoughtful contribution that really nails the key issues of why our democracy and our legal system depend on respect for the rule of law. There is a reference in the honourable member's contribution to the Communist Party Dissolution Act, and I enjoyed that reference because my understanding is that the Labor government today is effectively channelling Robert Menzies in the 1950s. Robert Menzies decided that there was a criminal organisation that needed to be outlawed—the Communist Party of Australia.

He put a bill before parliament, which passed, and the High Court quite rightly threw it out. They threw it out on constitutional principles, the parliament trying to outlaw organisations. They then tried to have a referendum—in fact, I think two referendums—and ultimately they were defeated as well. Again, a quote that is often attributed to Voltaire (I do not know whether or not it was him) is about not necessarily agreeing with someone but agreeing with their right to say it. That might be a little bit different in relation to bikies because it is not so much what they are saying as what they are doing, and I will be the first to say that when they commit crime they need to be caught, prosecuted and punished severely for serious crimes.

I will just go back to what I said before. My understanding is that actually there are four lawyers in the chamber. I have a feeling that the Hon. Kyam Maher might have a law degree as well, so I will correct the record—four lawyers in the chamber. Another person I want to refer to briefly is actually someone who has been in the news quite a lot lately. She had quite a significant impact on my early legal training because she was my international law lecturer back in 1979 or 1980, so some little while ago, and that is Professor Gillian Triggs.

The Australian Human Rights Commission, which she chairs, has weighed in to these bikie debates, not in South Australia but in Queensland, and the reason that is relevant to here is that the South Australian laws are based substantially on the Queensland model. They are not identical, as they had even more draconian things in their laws that we do not have here, but the basic principles are the same. In a media release on 18 October 2013, Professor Triggs said:

> As a democratic and fair society, freedom of association, freedom of expression and our right to be treated equally before the law in accordance with the International Covenant of Civil and Political Rights should be fundamentals under which we operate.

The release goes on:

> Professor Triggs said that the passing of any laws, especially those creating wide reaching or sweeping powers, should be accompanied by a statement of Human Rights compatibility, as they are at the federal level, and also allow for their debate and scrutiny beforehand.

So, the first thing I would say is here we have draconian laws and, in this state, we have no human rights assessment of these laws. At different stages, various members have suggested assessing regimes for laws. I have heard of family impact assessments being required.

The Hon. R.L. Brokenshire: Yes.

The Hon. M.C. PARNELL: I know at least one member thinks that is a good idea, but something even more fundamental, such as a human rights assessment of legislation, is something that this parliament has not been capable of doing to date.

In terms of the legislation, the key element that I will be spending most of my time looking at, both now and in committee, is this issue of the declaration of outlaw motorcycle gangs as criminal organisations. That is an important provision of the legislation because it then triggers a range of coercive restrictions and deemed criminal responsibility, including association, issues in relation to attending licensed premises and even fashion restrictions involving jackets and jewellery, as we will see when we come to debate the bill in detail.

The question that then arises is: if we are going to have a system of declaring certain organisations illegal, what is the method that should be undertaken for that to happen? How should we do it, in other words? I will give you four different options.

Option number one: parliament can decide. Parliament can decide which organisations are illegal and which ones are not; which organisations are criminal associations, and which ones are not. That is the model that the government is putting before us with this bill.

The second option would be the Executive could decide. The Attorney-General could put it in the *Government Gazette*, deeming an organisation to be outlaw.

A third option would be the Executive could make the decision—so, the Attorney-General—and perhaps give the parliament the right to disallow any declaration through regulations. You could tweak that and you could add a government committee with a bit of oversight, preferably a

government-controlled committee to make sure they did not interfere too much, so that would be another option.

The fourth option would be the Executive could propose the listing of an organisation as criminal, and they could put that evidence before a court, a court that would then judge the evidence and make an assessment based on criteria set out in legislation.

That fourth option is the option that the Greens prefer. If we are going to go down the path of declaring organisations criminal, then it must involve a proper assessment of the evidence, and that assessment is best conducted by a judicial officer. So, at two ends of the spectrum, the Greens prefer judicial oversight; the government believes that the parliament should decide.

I want to just refer briefly to the amendments. I will start by making a comment about the process that this chamber goes through when considering amendments. These amendments were supposedly filed yesterday or the day before. When did we get them? We got them at 2.15 today. At 2.15, when we came into the chamber, they were put onto our desks. I will confess that I got them a couple of hours early because I came into the empty chamber, I raided the table staff's stock of amendments and I collected my own copies, but that is not what most members do. I do not know if any other members ever do that—

The Hon. K.L. Vincent: You shouldn't need to.

The Hon. M.C. PARNELL: —come in here when parliament is not sitting and help themselves to amendments. The Hon. Kelly Vincent says, 'You shouldn't need to,' and she is exactly right. What a crazy, antiquated system of making laws when we can be told by the government that the number one priority of government business is to conclude debate on this legislation, and yet the government does not have the courtesy to email to members amendments that were drafted a day or two ago. I can only speak for myself, but they did not ring me up and say, 'Mark, we are going to amend that legislation that is the number one priority item on our list.'

Instead, we come into the chamber at 2.15, and we are given I think four new sets of amendments, and I will go through those when we get to the committee stage eventually, but I just make the observation that, if the Liberal Party was opposing the bill, then members of the opposition would be crying blue murder.

I have heard the Hon. Rob Lucas on many occasions standing up and looking at the time stamps and when amendments were received, and commenting that there has been no opportunity to consult stakeholders and that it would be highly inappropriate for the parliament to be considering such important legislation with late amendments and being required to vote on it on the same day or even the next day after they were introduced. The process is appalling.

I know it is uncomfortable for Legislative Council staff, and I have been raising this issue for the nine years that I have been here, but we have to get a better system for the Legislative Council to notify members of amendments. There is no practical reason why it cannot be done electronically. I will put my hand up. I will be on a mailing list.

Every time amendments are filed, like they are received in the Legislative Council, they just get emailed to members. If the mover decides not to move it, so be it. They would be circulated with a note saying, 'These amendments have been filed. They may not be moved', and we would just judge that on its merits. It is just crazy that we can be given amendments at 2.15pm in the afternoon and a few hours later be expected to give them proper consideration and to vote on them, so I just make that point.

I would also make the point that when I did look at the amendments—because I do take my responsibility seriously and I knew this was the number one item—a couple of things stood out for me. First of all, I can see that the Phoenix Motorcycle Club has now been taken off the list. The Phoenix Motorcycle Club, you might recall, is an organisation that exists in two locations apparently. There is a group in the northern suburbs of Sydney called the Phoenix Motorcycle Club and there is a group of people in Adelaide whose only crime appears to be conducting races at the Mallala racing track.

I can remember when we first got this bill that it took me about 15 minutes to scan through the bill looking through the list of outlaw organisations. I went down the list until I came to one I had not heard of before and I googled it. I googled the Phoenix Motorcycle Club and what did I get? I got a website based in Adelaide and I thought, 'These are bad, wicked people. I haven't heard of them before.' Their website contained a number of incriminating photos. I saw a middle-aged gentleman drinking a light beer at what I think was their 50th birthday party. I thought, 'Well, I am afraid. I am very afraid.'

I rang the secretary up. The secretary's mobile phone number is on the website. I rang him up and said, 'Did you know you guys have just been declared a criminal organisation?' I could hear on the receiver his jaw dropping. 'We just run the races', he said. I had to say to him, 'I think it is a case of mistaken identity. I do not think you really are in trouble.' I have to say, he was nervous. He was saying, 'We meet at a hotel', and we have laws here about members of outlaw motorcycle gangs in licensed premises.

What struck me though—and this goes to the heart of how the government has managed this legislation—was that the phone call that the secretary of the Phoenix Motorcycle Club received from me was the first phone call he had. I said, 'Surely the police have rung you or the Attorney-General's staff have rung you?' 'No, you are the first person to ring me.' The second person was a journalist, and I think the government finally got onto it maybe 24 hours later.

I think he did eventually get a phone call saying, 'Don't worry, mate. It's not you we're after. There are some people in Sydney that we don't like. It's not you.' But when you think about it, this is legislation. This is law that we are being asked to vote on and now, a few hours before we are being asked to consider it, they have taken the Phoenix Motorcycle Club off and a whole lot of others as well, and we will explore the reason for that.

The second thing I noticed in the amendments is the spelling mistakes. Does Comancheros have one m or two? Apparently, there is an amendment to correct the spelling of a name. Given what we are talking about here, you might just say that it is all semantics and anyone can make a spelling mistake, but we are talking about the identity of organisations that are deemed to be criminal and whose members are guaranteed gaol time, because it says in this bill they are going to go to gaol. To not get their identity right is absolutely appalling and to be correcting mistakes in identity the day that this bill is hoped to be voted on is absolutely appalling. It is just a joke.

We have another one. The Gypsy Jokers—singular or plural? Joker or Jokers? Really, what is the government playing at here? They have more addresses wrong. We have already had one set of amendments in the lower house where they got the addresses of clubrooms wrong and now we have another list of addresses and certificates of title.

I have no doubt whatsoever that there are mistakes that are still in this bill that we will not pick up today or tomorrow; mistakes that will remain. People might say, 'Well, the courts aren't perfect either,' but I can tell you that they are going to have a far better shot at analysing the evidence, picking up mistakes, identifying whether criminality really is at the heart of what people are doing, than this parliament has.

I am very disappointed that the government and the opposition appear to have stitched up a deal. I am disappointed that the government has imposed this on the parliament without even having the courtesy of speaking to the crossbenchers or circulating their amendments, other than waiting for us to collect them from our tables at 2.15 today. As we did in 2008, the Greens will be voting against this legislation. As I said, I have not moved the dozens of amendments that I did last time but I certainly will be commenting on the amendments that have been moved and I have some comments to make on many of the sections on which amendments have not been moved.

Whilst I understand that the government has the numbers and it is going to go through, I am not going to let unanswered questions remain but even in the short time that is available to us we are going to miss a lot of things. I am terribly disappointed that the government has gone down this path. It is probably not too late to turn back, although it would be quite a remarkable thing for the Attorney to see the error of his ways at such a late stage in the piece, but I am disappointed that we are proceeding with this, and we will deal with more specific elements when we get to the committee stage.

The Hon. K.L. VINCENT (20:51): I want to begin by making it clear that Dignity for Disability believes that those involved in criminal activity should be dealt with in the strongest possible and necessary manner. However, the bill that we now have before us, the amendments that we now have before us at this late stage are not the way to do it and this evening is not the time to do it.

Members may have seen in the media that we did have some sympathy for original opposition amendments, particularly those which dealt with the fact that physical addresses of suspected bikie premises are printed in legislation. We had a lot of sympathy for those amendments and we were considering them very seriously, because this is not the type of decision we should make lightly.

However, thanks to a deal that has been done behind closed doors between the two major parties, those amendments have now apparently been superseded and instead we have new amendments that were, as the previous speaker pointed out, placed on our desks at some point before 2.15 this afternoon when we all came into the chamber and, therefore, we have not had the opportunity to properly consider the outcome of these amendments or the ramifications of these amendments. We certainly have not had time to consult with our constituents about these amendments, and so it would be frankly irresponsible of us to pass these amendments when we have not had the time to properly consider the ramifications.

Of course, there have been occasions when Dignity for Disability has been quite happy to speedily pass legislation or amendments but they are in very restricted circumstances; circumstances when not passing an amendment or a piece of legislation would result in a risk to public health, for example. I can recall a situation when it was discovered that there was a loophole in the domestic violence protection legislation that allowed perpetrators of domestic violence to get the contact details of people they had previously perpetrated violence against. That kind of situation is exactly the kind of situation where we are happy to speedily pass amendments to close those kind of loopholes.

However, where a backroom deal is done without consultation and, as my parliamentary colleague the Hon. Mr Parnell says, without the courtesy of letting the rest of the parliament know the nature of the deal that has been struck and the nature of the amendments that we now have before us, it is irresponsible of us to pass this legislation.

Let me be very clear about this. As has already been pointed out, putting the addresses of physical residences in legislation, some of which have already been proven to be incorrect addresses, is dangerous. I get visions of my poor mother sitting home having a cup of tea, watching *Deal or no Deal*, as she is known to do, and having police and officials knock down her door because maybe there was one number wrong in the address or the street name was spelled incorrectly, as has already been proven to be the case, with incorrect addresses and incorrect spelling in the amendments, even the amendments we have before us at this late stage.

It is dangerous to have these addresses particularly printed in legislation, where it is more difficult for us as a parliament to quickly make changes if those addresses are proven to be incorrect. Quite frankly, the police should have to do their job. I am not saying they have not been doing their job, but it is their job to collect evidence about these cases and then present it to a judge in a court. This completely bypasses that process and bypasses basic principles of justice.

Further to my previous point, this is also an insult to parliamentary procedure, it is an insult to this council and a complete insult to the people of South Australia that the Labor government and the Liberal opposition are so disrespectful of South Australians that they would stitch up a deal behind closed doors, as I said, and ram through this legislation, the ramifications of which the majority of this parliament, the rest of this parliament, has not had the opportunity to properly consider.

We know that the Law Society, the Bar Association, the Australian Lawyers Alliance and many other legal bodies and legal minds strongly oppose the concept and principles that this bill enshrines, and for those reasons we oppose the bill. Perhaps there is one more reason this bill needs to be strongly opposed. Not only is it an insult to parliamentary procedure, to good responsible legislative process, and for the safety of people who could have their addresses incorrectly printed in legislation, it is also an affront to our 800-year-old Magna Carta, which states, in chapter 39:

No free man shall be taken or imprisoned or dispossessed or outlawed or exiled or in any way ruined, nor will we go or send against him except by the lawful judgment of his peers or by the law of the land.

This bill, in its current form, does not respect any of those laws. It does not respect proper parliamentary process, proper legislative process, even proper spelling process.

It is flatly irresponsible of this parliament to pass this bill this evening. In saying this, I want to make very clear that Dignity for Disability does want to see those involved in serious criminal activity dealt with in an appropriate serious manner, but this bill, given the flaws it is already proven to have, is not the way to do it. We will oppose this bill at this stage for those reasons.

The Hon. B.V. FINNIGAN (20:58): I am sure all honourable members are agreed that we are against serious and organised crime and are particularly concerned about the activities of outlaw motorcycle gangs. The question is: how do we best combat their activities. I have certainly supported this sort of legislation in the past, and I can even recall on one occasion within the Labor caucus speaking strongly in favour of such legislation when others expressed some reservations.

I feel, as the Hon. Mr Parnell said, that it is a case of, 'Here we go again.' This is a bit of a case of deja vu all over again. It is important that we get this legislation right. There are two key issues that we all know have to be addressed here: one is the constitutionality of the bill and the other is that we do not unduly infringe on individual rights. In relation to the bill being constitutional, that is a very difficult question to answer even for the people here who are experienced as lawyers.

There are many who have great experience in drafting legislation and are able to take account of court decisions and so on in coming up with the best legislation and amendments we can. I am certainly not in a position to say that this bill is not constitutional. I suspect that it may run into difficulties in the future, but ultimately I think the parliament and we as legislators can only do the best we can to ensure that any legislation we pass is within our constitutional powers. Whether or not that turns out to be the case is ultimately not, as it should not be, a decision for us.

In relation to the infringement on individual rights, or the rights of people in our community, I think there are some serious concerns in relation to the suggestion that merely belonging to and associating with other people who belong to an organisation can be in itself sufficiently criminal to attract significant and severe sanctions. I think we need to be very careful about being too enthusiastic about infringing on individual rights. This is similar to what we often see with terrorism legislation—or anti-terrorism legislation.

Certainly none of us want to see life made easier for organised criminals or for bikie gangs, but at the same time we have to make that balanced judgement. In *Catch-22* there is a line about Yossarian stating that by exercising his rights he was trashing them. I think we have to be careful that there is that balance between what we as a community and a society and as a parliament want to do to protect other people in the community and to prevent criminal behaviour, but at the same time not in a way that becomes arbitrary or is not respectful of the rights of individuals.

I do have concerns about that. I am not decided either way on the bill. I know, obviously, that it is not going to matter, really, what I think, in terms of whether this legislation goes through. I do share the concerns of other honourable members in relation to the process here. We see this time and again, where a piece of legislation languishes until an agreement is reached with the Liberal Party or a sufficient number of crossbenchers as to ensure its passage and then bang, the bill is brought on and it goes through.

I think we do need to consider that process. I am not satisfied that there is sufficient urgency that this has to be dealt with now. There are occasions, certainly, and we have all been here when that has happened, and I think many times honourable members have not necessarily opposed legislation being rushed through when it is necessary, and it can be. But I am not convinced that there is something about this legislation that it has to be passed today or tomorrow, rather than in August, or even if the parliament wanted to be brought back if it was that important.

Yes, we all want to see the activities of organised crime curbed. We want to see criminal behaviour punished, but I am not satisfied that a case is being made out that something has happened in the last 72 hours that makes it imperative that this bill now be passed and that the passage of this bill will make a sufficient difference in that fight against organised crime that it must

be done right now, other than agreement has been reached with the Liberal Party. That is certainly something I have a concern about. I reserve my position in relation to amendments and to the third reading, but I did just want to briefly put those concerns on the record.

The Hon. J.A. DARLEY (21:04): I rise to briefly speak on the Statutes Amendment (Serious and Organised Crime) Bill 2015. As honourable members know, the bill focuses on three core areas of reform. Firstly, it seeks to introduce new offences mirroring those enacted in Queensland and declared valid by the High Court. The elements of some of those offences include participants of criminal organisations meeting in public places with two or more other participants, participants of criminal organisations entering prescribed places or attending prescribed events, and participants entering licensed premises wearing club colours or logos.

Secondly, the bill seeks to modify South Australia's consortium provisions consistent with those enacted in New South Wales and declared valid by the High Court. Lastly, and most contentiously, the bill seeks to list a number of motorcycle clubs as declared criminal organisations. The original government proposal lists 27 motorcycle organisations, 10 of whom have a presence here and the remainder of whom have a presence interstate. I understand that as a result of a compromise reached with the opposition, the government is now proposing to list only those organisations that exist here in South Australia. The bill also seeks to enable the Attorney-General to declare any venue to be a prescribed place. These changes are contentious because they attempt to remove the determination role of the courts and any possibility of judicial review.

In addition to listing certain motorcycle clubs as declared criminal organisations, the bill will also enable the Attorney-General to declare future organisations and future venues as criminal organisations or prescribed places. This aspect of the bill is not as contentious, because those caught up in future declarations will have the benefit of being able to challenge the decisions.

Overall there is no doubt that this is, nevertheless, a contentious piece of legislation, and I appreciate all the concerns that have been raised about adopting the approach that has been proposed by the government. That said, the bill is aimed at dealing with individuals who choose to participate in organised criminal activity and wreak havoc on our communities. They have little, if any, regard for our society and even less for the rule of law.

On Sunday morning most of us woke up to the news that three Rebels bikies had been arrested overnight after a feud with the Comancheros bikies triggered two separate drive-by shootings, the first at the Smithfield Hotel and the second in the car park of some nearby retail shops at Blakeview. According to media reports the three men, whom police allege were Rebels, were found hiding in the backyard of a home behind the Blakeview shopping centre. One of the men had suffered a gunshot wound and was taken to hospital. As I understand it, it is not clear at this stage whether anybody else was injured during the shootings.

I happen to know one of the families whose business was impacted by the shooting. They tell me it is not unusual for them to stay back during the evening to catch up on work and get things done around the shop. Given that it is a family-run business, it is also not uncommon for the owners to take their young children to the store with them. I do not need to tell you how thankful they are that on this occasion nobody, including staff, had stayed behind. On the day following the shooting the owners were also inundated with queries from concerned customers. They were left to reassure their customers that the incident was unrelated to the business and that it was safe to visit the store once they were able to reopen.

Fortunately the damage associated with the incident appears to be limited to some broken windows and doors and some damaged walls. It has also meant that since Saturday the owners of the store have effectively had to make their store available to the police for ongoing investigations, and I understand this has resulted in some lost trade. However, the owners are not complaining. As inconvenienced as they may have been, they know only too well how different things could have turned out if an innocent bystander had been caught in the crossfire on Saturday evening, especially given the traffic of people who usually frequent the shopping centre. Right now I think they are simply counting their blessings.

I should also point out that none of this is intended as a criticism of our police. In fact, business owners have commended the work of the investigating officers and they are extremely grateful for all that they are doing.

Coincidently, as I understand it, up until about four weeks ago there was a police station operating within the same shopping centre. According to comments made to the media by the owner of the commercial site, it would appear that this sort of thing has not happened at the premises before and that the police presence has assisted in keeping the area safe.

The government's decision to close local police stations due to budgetary constraints is far from acceptable but the fact of the matter is that it should not take the presence of a police station to ensure that this sort of thing does not happen in any of our neighbourhoods. We all deserve to go about our business without the fear of being caught up in situations involving bikies spraying bullets at each other in car parks and hiding out in innocent people's backyards. That is why we will be supporting the bill.

Again, the individuals the bill targets have a blatant disregard for the law and community safety and deliberately strive to be the 1 per cent who operate on the periphery of society. They flout social norms and instead opt to engage in organised criminal activities, including money-laundering, violence and prostitution, among other things. In particular, we all know the involvement organised crime has in the manufacturing and supply of illicit drugs. This is why I have been particularly stubborn over my amendments to the government's confiscation of assets bill, which also targets illegal criminal activity by prescribed drug offenders. This issue needs to be looked at from a holistic perspective. If we are targeting those who perpetrate crime, we should also be looking at the fallout of their actions and those who are adversely affected.

Whilst I support in principle the government's proposal to confiscate the assets of criminals, the government needs to be prepared to direct money towards drug rehabilitation to deal with our drug epidemic. Australia now has the highest proportion of recreational drug users in the world. We rank first in the world in the use of ecstasy, third in methamphetamines, fourth in cocaine and seventh in cannabis. The government needs to give serious consideration to mandatory drug rehabilitation programs. We need to look at countries like Sweden that focus on zero tolerance, prevention, treatment and control. We need to consider measures like giving the courts the power to divert users into detoxification and rehabilitation. Dealing with bikies is a good first step, but instead of just focusing on one aspect of the problem, we need to be looking at all these issues as a whole.

I indicate for the record that I do support those amendments aimed at addressing the issue of ensuring parliamentary scrutiny. I appreciate the concerns raised with respect to this legislation, particularly in the past. Whether you agree with those arguments or not, the advice we now have is that this bill has been drafted to withstand further challenges. It has been based on existing legislation from other jurisdictions, which has been ruled valid by the High Court. Time will tell, but that is the best advice we have now. I, too, express my concern at the manner in which this bill has been pushed through, and I must admit that I was due for my briefing on the bill tomorrow. With that, I support the second reading of the bill.

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) (21:13): I understand that all second reading contributions have been completed. I wish to thank members for their contributions, particularly those who have indicated their support. A number of issues have been raised during the debate thus far and I think it is probably a wise thing to deal with those specifics during the committee stage, and I look forward to dealing with those matters expeditiously.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: The shadow attorney-general in the other place, Ms Vickie Chapman, the Hon. Andrew McLachlan and other members of the Liberal team have already detailed

to the parliament concerns of the opposition in relation to this bill. This is not our bill, it is the government's bill. A Liberal government would have legislated against criminal organisations but we believe that more robust and effective legislation could have been achieved without offending legal and constitutional principles.

However, we are not in government, we do not have the numbers to get legislation through the lower house. We were approached by the government to see if we could come to an agreed set of amendments on their bill to facilitate its passage through this place. The agreed set of amendments are reflected in the government and Brokenshire amendments which have been filed and I stress the fact they are, in that sense, a tripartite set drafted by the government and the Hon. Mr Brokenshire in consultation with the opposition.

If the council supports the amendments, the opposition considers that the bill will still be flawed but it is our assessment the bill will be better and that it is better than what could be achieved by drawn out parliamentary consideration. The opposition does not take the remaining issues lightly. I indicate to the council that to assist the Hon. Andrew McLachlan to more clearly highlight issues with the bill and to express his personal views, I will be speaking in this committee stage on behalf of the Liberal opposition.

The opposition will support the bill with the amendments agreed. We welcome the government's initiative in engaging on amendments, but we are still disappointed that the government did not act more positively earlier in the development of the bill. The government did not engage the Crime and Public Integrity Policy Committee on drafts of the bill. The Attorney-General did not engage the Crime and Public Integrity Policy Committee on its review of serious and organised crime legislation. The government initially sought to push this legislation through the parliament. The government is showing yet again that their primary interest is playing politics, not good law.

The opposition and other members have insisted that the bill not be rushed through parliament. As a result, when the government initially wanted the legislation through the parliament in days, this bill has now laid on this table in the parliament for 56 calendar days. This has given an opportunity for organisations and individuals affected by the bill to bring issues to the parliament and, as a result of that exposure and the consideration by parliamentarians, a number of changes have been made.

It is five years since the legislation was passed and we still do not have one declared criminal organisation. I think it is highly likely that the law will need to be revisited, perhaps after further consideration by the courts. Next time I hope we do a better job and deliver a better law. Today the Liberal opposition will be supporting the amendments put forward by the Hon. Mr Brokenshire and the government and will be supporting this legislation.

The Hon. T.A. FRANKS: In clause 1 in terms of questions, the minister indicated that she would be addressing the questions that were raised in the second reading debate in the committee stage. Will she be addressing those in clause 1 or as the clauses become relevant, and does that mean that we will go through each clause by clause?

The Hon. G.E. GAGO: Clause by clause.

The Hon. T.A. FRANKS: I have a question at clause 1. On 3 June at 5.47pm the Government Whip sent all members of this parliament an email which read:

> All Members of Parliament
>
> SAPOL BRIEFING ON PERSONAL AND OFFICE SECURITY
>
> As the Serious and Organised Crime Bill is before Parliament, it is an appropriate time for a briefing from SAPOL on personal and office security. A briefing has been arranged for Wednesday 17 June 2015.

All interested members were invited to attend by the Government Whip on that date. Can the minister outline how this bill raised concerns with the government about the personal and office security of members of the South Australian parliament?

The Hon. G.E. GAGO: I have been advised that it appears to have raised concerns with the police, not the government.

The Hon. T.A. FRANKS: Can the minister explain why SAPOL, when asked this question in the briefing, said that there were no raised security concerns for members of parliament and that they believed these outlaw motorcycle gangs would take legal means to challenge this bill and our security was not in any way in further danger than it normally would be?

The Hon. G.E. GAGO: No, I cannot speak on behalf of the police. You would need to ask them.

The Hon. T.A. Franks interjecting:

The Hon. G.E. GAGO: I cannot argue with you. I am not arguing that that was said or not, I am just saying I have no explanation as to that. In terms of the challengeability of the bill, we have been advised that this bill does meet very strong legislative weight and that it will stand up to scrutiny and to challenge.

The Hon. T.A. FRANKS: Was this email a fear tactic to scare members of this chamber and the other chamber into voting for this legislation?

The Hon. G.E. GAGO: No, not that I am aware of.

The Hon. A.L. McLACHLAN: I thought I would make a contribution at the first clause with regard to my personal position. It is my view that controlling and ultimately pacifying organised criminal groups is an objective of all of us in public life. At the same time it is important to acknowledge that the principle of open justice is fundamental to our legal system and democracy. The bill before us is, as many have described, a great leap backwards from the progressive policies of the Dunstan and Hall governments. This bill brings in an opaque system of justice that insults over 800 years of tradition that protects the rights of the individual against oppressive actions of the state.

The bill brings darkness to the operation of the executive and the operation of its police force, where light is needed to ensure the rule of law. This proposed legislation has the colour of central Europe in the 1930s when the embers of the Reichstag were still warm. This is the sort of legislation you would expect to see in the Apartheid regime that blighted South Africa, or in other countries of that same continent whose communities were degraded by similar laws.

I will not be supporting the passing of the bill. I act in a personal capacity. All parliamentarians in the Liberal Party are expected to exercise their right to speak and vote in accordance with their own belief or conscience and express their views to the electorate. This is in stark contrast to the Labor Party. It is one of the longstanding principles of the Liberal Party that a member can, from time to time, cross the floor and vote in accordance with their strongly held personal beliefs. I thank my colleagues for their understanding and defending my right to cross the floor.

My ideal of a free society remains important to me. I do not see myself as a careerist politician. My first priority is that my values will withstand the demands of the chamber. Further, without a bill of rights to guide our actions we have a political system that depends upon political leadership that respects democratic values, the rule of law and a separation of powers doctrine, as well as human rights. From my seat in the chamber, having regard to this bill, I have no choice but to oppose the declaration of the organisations by the parliament which is a breach of the doctrine of the separation of powers.

The Liberal amendments which I advocated in the second reading debate are no longer reflective of the Liberal Party room's position. Whilst I still had strong personal reservations during the second reading debate, I believed the Liberal amendments reflected a fair balance between the demands of the police and the need to respect the rule of law. Now that the Liberal Party room is no longer supporting those amendments, I am unable to support the passing of the bill. The amendments agreed between the opposition and the government fail to mitigate the horror of the proposed legislation and is undermining of our longstanding democratic traditions. I will have more to say at the third reading regarding my decision.

At this point also, I might ask a question that may have some relevance in subsequent clauses. In my research in preparing for the committee stage tonight, I came across a provision in the Police Act 1998, section 74A—Special provisions relating to criminal intelligence, and it requires the Attorney to task a retired judge to review certain aspects of police practices in the use of criminal intelligence.

My question for the Leader of the Government is: have those reviews been conducted, and have those reports been tabled in parliament, as I am unable to find the same? The relevance to the particular bill at hand is that we are being asked to take on faith in this parliament the veracity of criminal intelligence or assertions of the police, and I would like some assurance that section 74A has been complied with.

The CHAIR: Minister, did you get the question?

The Hon. S.G. Wade: They weren't listening, so I don't know how they would.

The CHAIR: I am just asking that question.

The Hon. G.E. GAGO: I thought the question was about whether 74A has been complied with.

The Hon. S.G. Wade: You probably need to know which act it's in; and you probably need to be listening.

The CHAIR: I think that the minister is on top of her brief. The Hon. Mr McLachlan, will you ask that question again, please?

The Hon. A.L. McLACHLAN: The matter I raised, Chair, is that, subsequently in this debate we will be discussing the veracity of the information upon which this committee has to decide whether to declare certain organisations as criminal organisations. There is a related provision in the Police Act 1998, section 74A, which has special provisions relating to criminal intelligence which requires a report to be tabled before each house of parliament by the Attorney-General setting out the report of a retired judge regarding the effectiveness of certain guidelines and the use of criminal intelligence.

I am unable to find that report and I have not been able, even with the assistance of parliamentary officers, to locate those reports, and I am seeking an assurance, which is why I am raising it early in this debate, whether previous reports have been tabled as a consequence of that review being undertaken in relation to that act.

Its relevance to this debate is that, if they have not been undertaken, then how can we be assured of the veracity of the criminal intelligence upon which we are to base our decision? And as a consequence, the failure of complying with section 74A may have serious implications for the decision-making of committee members during the course of this debate.

The Hon. G.E. GAGO: I have been advised that we do not have that level of detail here, but we are happy to take that on notice and to bring back a response as soon as we are able to access that information.

The Hon. M.C. PARNELL: I might just take this opportunity at clause 1, in response to what the minister just said, to ask whether the minister can perhaps outline her intentions for the debate tonight. I am not sure that that will not be the only question the minister takes on notice, so what I am interested in is: if the answers are not available tonight, at what point is the minister considering adjourning tonight's debate and resuming tomorrow, because my understanding was that the priority letter we received from the minister's office said that it was hoped to conclude this bill by tomorrow? So, at what point is the minister proposing to adjourn tonight? I am not worried about the time, I am happy to stay here all night, but at what point in the bill is the minister proposing to adjourn?

The Hon. G.E. GAGO: Obviously, the government is very keen to progress this bill as soon as possible. Our intention is to make sure that it is returned from this house to the lower house around midday tomorrow, so if there are any further changes or discussions that need to occur they can occur tomorrow afternoon so that they can be resolved and then hopefully the bill dealt with through to finalisation. In terms of this evening, I obviously want to progress the thing as far as we possibly can within reasonable constraints. We intend to sit tomorrow morning, and I would say that at this point it looks like we would need to come back at 10am to resume further consideration. In terms of the progress this evening, I am obviously keen to progress the thing as far as we possibly can.

The Hon. M.C. PARNELL: I have a specific question on clause 1, because it relates to the whole of the bill. It follows from the Hon. Andrew McLachlan's point that there is a deal of secret evidence that has been relied on by the government in the drafting of this bill and in particular the

lists of criminal organisations proposed to be listed in this bill. My question of the minister is: what evidence do you intend to put on the record during this debate about the individual organisations that are listed in the bill?

If you want an example, I understand a number of these groups are being struck from the bill. If we just take one that is remaining, the Red Devils, just to pick one out randomly, what information does the minister intend to put on the record about the Red Devils? Are we going to find out their approximate membership, the address of their headquarters, the number of offences that known or suspected members have committed, any charges that members might be facing, or is there any other information that the minister can provide to us if we are being asked to add to this organisation to the law of South Australia as a criminal organisation?

The Hon. G.E. GAGO: I have been advised that the police made this information available to all members of parliament some time ago in a number of special briefings, and many members of parliament availed themselves of those briefings. The list contained in the legislation is a list of 10 organisations that are currently situated in South Australia. The police have advised us, and those members of parliament who attended the briefings, about those organisations, including their membership, criminal activity, and a range of other relevant information.

The Hon. M.C. PARNELL: I accept what the minister saying. I attended a briefing, and the police attended with large lever arch files with material in them. We were not allowed to keep those folders; we were not allowed to take copies of any of the material in those folders. The point would be that if someone asks me subsequently about legislation that I am party to in this state and asks me why I made that decision, what information on the public record will I be able to refer them to that explains why a particular organisation was listed?

In other words, it is one thing for me to have a briefing and for the police to tell me that these organisations are full of bad people and give me a list of all the bad things that they have done or are suspected of doing, but how does that help the public? What information will the public have to explain why the law of South Australia includes the list that it does in schedule 1? Are you prepared to put any information at all about any of the activities, offending, individuals of any of the organisations listed on *Hansard* at any time during this debate?

The Hon. G.E. GAGO: I do not believe we have any intention of making that information public but I can check in terms of that, but my understanding is that that level of obviously very sensitive information was made available by police to interested members of parliament and that the details in relation to the answers to those questions were made available.

The Hon. R.L. BROKENSHIRE: In order to expedite things so that at some point in time, tomorrow as I understand from the government leader, that this bill will be voted on for the third time I just want to put the position of Family First as it is now and unless there are then any questions regarding our amendments as we proceed with them then, like the Hon. Stephen Wade did on behalf of the opposition, hopefully that can help to assist all colleagues.

I do first and foremost respect the right for any member to cross the floor and express their disagreement to a bill. I did it on one occasion and crossed the floor, so I do clearly accept the rights of any individual. There have been some comments tonight on issues around this legislation and I want to put on the public record in clause 1 Family First's appreciation of the leadership shown by both the Leader of the Opposition and the Liberal Party in coming to some mid point with the government, and also to put on the public record our appreciation of not only the Leader of the Opposition and his party but also that of the Attorney-General, because this is a very important piece of legislation.

It is extremely important that we get some compromise in passing the intention of this bill before we rise for the winter, and that is why we will be supporting the government's amendments as they are now after deliberation. I want to say that I think that this has been one of the few examples where there has been incredible openness and opportunity for any member of parliament to be briefed in more detail than ever in my recollection of issues where there is sensitivity and confidentiality on intelligence. This is one of the few occasions where every member of parliament has had an opportunity to have a briefing, whether you have been on a standing committee or as an individual.

I would not want to see any of the confidential intelligence on the public record because I do not want to do anything whatsoever that would ever cause any potential risk to any South Australian. The reality is that, whatever the beliefs of MPs individually, there are high risks with respect to outlaw motorcycle gangs and serious organised crime. I have said today publicly and I have put on the record in *Hansard* that our preference would have been to have the whole 27 declared right here and now but parliament is about what you can deliberate on and work through to get up a democratic compromise and an agreement in the house.

I understand that that is now occurring and I commend all members involved in that, but this is a very serious issue and first and foremost we have to put public security and safety at number one and that is what is occurring in this debate. That is why Family First will be supporting the compromised position that has been put forward, and I congratulate the maturity of all those involved in meeting that compromise.

The Hon. T.A. FRANKS: In that briefing from the police that the minister refers to, I would say that we were not actually given extensive access to those documents. They were put in front of us; we did not have any ability to interrogate them or test the information. Given there are already spelling mistakes in the names of these outlaw motorcycle gangs, perhaps a bit of proofreading from the government side would have helped at that stage.

However, there was a particular question I raised in that briefing that I did not get an answer to, so I will put it again. It was echoed by the South Australian Law Society President, Rocco Perrotta just recently in an article he has penned in the last few days:

> Sally Kuether represents much of what is wrong with the SA government's 'bikie laws' Bill recently introduced into Parliament.

I raise this issue because, having family in Queensland, I was quite familiar with the situation of the Queensland woman, a respected library assistant and mother of three who was in fact a recipient of a Lord Mayor's Award for excellence beyond the call of duty for her volunteer work during the Brisbane floods of 2011, who fell foul of these laws. She is not a member of a club; however, she was charged with participating in a criminal organisation and wearing club colours after being in a hotel in the wrong outfit. How will the government ensure that South Australia does not create more Sally Kuethers?

The Hon. G.E. GAGO: I am advised that the offence in relation to the Liquor Licensing Act applied to carrying a prohibited item which, I understand, in this particular woman's case was referred to as 'club colours'. I am also advised that she was associating with an admitted member of a prescribed club who was found to be carrying a flick-knife, so these are exactly the sorts of people this legislation seeks to scrutinise carefully.

The Hon. T.A. FRANKS: In that case, it took a six-month campaign to have the charges dropped. I would ask the minister to outline then what will be defined as 'club colours'—for example, the Hells Angels.

The Hon. G.E. GAGO: I am advised that it is outlined in part 3, clause 9, new section 117B:

> prohibited item means an item of clothing or jewellery or an accessory that displays—
>
> (a) the name of a declared criminal organisation; or
>
> (b) the club patch, insignia or logo of a declared criminal organisation…

It goes on to say 'any image, symbol, abbreviation', etc. So, that is outlined in that particular section.

The Hon. T.A. FRANKS: In the case of the Hells Angels, will this include the 2010 autumn/winter collection of Alexander McQueen and Saks Fifth Avenue and Zappos.com, their distributor? Will it include the t-shirts that are currently available on Amazon or merchandise such as embroidered patches available on eBay, the MTV-associated Young and Reckless clothing label, and I could go on?

The Hon. G.E. GAGO: That would be a matter for a court to decide.

The Hon. T.A. FRANKS: So, you are saying somebody who wears Alexander McQueen may indeed fall foul of these laws?

The Hon. G.E. GAGO: I am not familiar with that item of clothing, so I can offer no level of judgement about whether it may or may not be captured. It would be a matter for courts to decide.

The Hon. T.A. FRANKS: I will also add Ed Harry, which is quite a popular label in South Australia. People can buy the 81 logo associated with the Hells Angels on T-shirts, children's tops, beanies, bikinis, tank tops, underwear, cigars, pins, keychains, calendars and window decals online. How will the government police this or will we see our courts clogged up with more Sally Kuethers?

The Hon. G.E. GAGO: The government will not be policing this, the police will, and the police and our courts are filled with very sensible people who have many years of wisdom and good judgement, and I trust their judgements.

The Hon. T.A. FRANKS: I trust the court's judgement too, so why is this not being left to the courts?

The Hon. G.E. GAGO: I have already answered the question.

The Hon. M.C. PARNELL: I appreciate that we are jumping around a little bit because there are only a couple of operative clauses that contain all of the operative provisions, but if it is helpful to stick thematically, I will ask a question now that I was going to ask at clause 9 as we are already talking about what club colours and things mean. The minister read out the section talking about club patches, insignias, logos or any image, symbol, abbreviation, acronym, or other form of writing that indicates membership of an association. The words are 'item of clothing or jewellery or an accessory'. Is a tattoo an item of clothing, jewellery or an accessory?

The Hon. G.E. GAGO: I think that what is happening now is you are asking for legal opinion and I am not equipped to give that sort of advice. I have already indicated who is responsible for policing and making judgements about what may or may not be included. As I said, the police force and our courts are full of very sensible, wise and experienced people who no doubt will use their judgement sensibly to make an assessment about what would be included and what would not.

The Hon. M.C. PARNELL: With all due respect, this is the government's legislation. The government is writing the rules as to what constitutes a prohibited item. For example, I understand how it might work if someone is wearing—to use the Hon. Tammy Franks' example—a Hells Angels jacket or a Hells Angels item of jewellery or a leather handbag with the Hells Angels logo on it. I can see that that is an accessory.

But let's say someone has a tattoo and maybe the tattoo is an old and fading tattoo from 20 or 30 years earlier when they may have been associated with one of these organisations. Does that now prohibit them from attending licensed premises or are they obliged to have their tattoo removed if they want to re-enter civil society? The minister is saying that the police will judge these things sensibly and the courts will be sensible, but is it the government's intention, as the author of this legislation, that tattoos be covered under the definition of prohibited item, which is an item of clothing or jewellery or an accessory?

The Hon. G.E. GAGO: I have answered the question as best as I can, and that is that it may be, but it would be a matter of legal judgement and opinion, no doubt assessing the sorts of circumstances around that as to whether it would be included or not, and I cannot offer any further clarity. As I said, it is a matter of legal interpretation and judgement.

The Hon. T.A. FRANKS: Will the terms '81' and 'Filthy Few' be falling within the associated items with regard particularly to the Hells Angels?

The Hon. G.E. GAGO: I know that the honourable members from the Greens are not supporting this and I understand their frustration. They can list through an indefinite number of possible items and accessories, which they are obviously seeking to do at the moment, but my answer will be the same. I have answered that question and it is the same answer for this particular question that the Hon. Tammy Franks is asking.

The Hon. T.A. FRANKS: I do have frustration. I have frustration that the minister has not been able to answer many of the questions that we have posed so far. I do not pluck these terms or descriptions out of thin air; I take them from those trademark rights owned by the Hells Angels to

these particular items and terms that I have described. I would have thought that the government, had it done its homework and would have had these terms listed.

The Hon. G.E. GAGO: I have answered the question. We take the advice of the police. These are matters of legal interpretation and judgement and I am not able to give any further clarity in relation to this question.

The Hon. M.C. PARNELL: I want to go back to the question I asked earlier. I know we got side-tracked with that side issue, but that is an important issue as well. When I asked the minister what evidence she was prepared to put on the public record about these named organisations, her answer was effectively, 'Well, we're not going to put any information on the record. You've had a chance to look at a police file but I'm not putting anything on the public record.' I am paraphrasing the minister.

Her reason for not putting stuff on the public record is that some of it is highly confidential and some of it is sensitive. My question to the minister is: is every piece of information relating to these organisations confidential and sensitive? Is there nothing that she can put on the record about each of these organisations so that the public, listening to this or reading it later on in *Hansard*—is there going to be any skerrick of evidence or information at all that is not sensitive or confidential that explains to the South Australian community why these organisations have been chosen? Is there anything at all the minister intends to say about any of these organisations?

The Hon. G.E. GAGO: Again, I have already answered this question. The 10 organisations that are on the prescribed list to be legislated are organisations that the police have identified as being priority organisations here in South Australia; to be included on the list that they are involved in criminal activity and pose a risk. As I have said, the police provided confidential detailed briefings to members of parliament to outline a greater level of detail. That is highly sensitive information that is not able to be published, and so I repeat my answer.

The Hon. A.L. McLACHLAN: I want to make a few comments in support of the points or questions raised by the Hon. Mr Parnell. What he is trying to tease out is a fact that by passing this legislation we are effectively conducting a trial of these organisations. In effect, this legislation is a motion to declare them criminal, without trial procedure and without any form of efficacy or opportunity for those organisations to respond. That was a point I made in my opening at clause 1.

What we have been asked to do is to go to a confidential briefing which has material which we do not know; it is not locked away or kept as it was when was been shown to us. It could have easily been interfered with. It will not be kept in that form in 50 years' time or 20 years' time if ever these laws are challenge. The point of having a court declare an organisation illegal is that it keeps its records; it is on transcript; it is transparent and it is open. That is why this process and this bill is an offence to all of those who respect the rule of law.

I thought I should make that comment early because that is what the Hon. Mr Parnell has every entitlement to ask for: the evidence against these alleged criminal organisations should be tabled in this parliament and kept as a record so that we can affirm the decision that this parliament may or may not make in the coming stages of the debate.

The CHAIR: Was that a question or a comment?

The Hon. A.L. McLACHLAN: A comment.

The Hon. B.V. FINNIGAN: I recognise that this is not the second reading, although it feels a bit like it. The quote I could not remember from Catch 22 earlier was:

> The country was in peril; he was jeopardising his traditional rights of freedom and independence by daring to exercise them.

I think that could be seen to sum up the dilemma we are facing with this bill. In relation to the access for honourable members to information regarding these organisations and whether it can be public, I think we all accept that some information should not be in the public domain, but it seems that, if you compare what happens in the federal parliament and in parliaments in Britain and in legislatures in the United States, honourable members are given access to very high level, sensitive, secret, national security and intelligence information, and it would be disastrous for that information to

become public. Some thought needs to be give as to the information that can be made available to members of this parliament rather than a blanket 'we can't go into details, but take our word for it'.

One question I have: I happened to be in a restaurant a while ago, and some men were wearing colours or badges of some sort of outlaw motorcycle gang, and it occurred to me at that time that, if those people were to be arrested for associating with each other, would members of the public be expected to act as witnesses in the same way that they would if they witnessed a stabbing or some other criminal offence? Has that been contemplated in relation to this legislation?

The Hon. G.E. GAGO: I am advised that it would be a criminal matter, just like any other criminal matter and, if it is relevant, witnesses can be called upon.

The Hon. T.A. FRANKS: I understand that courts use the parliamentary debates to make determinations. I seek an assurance that the term '1%', as used by the Occupy Movement, will not fall foul of these laws.

The Hon. G.E. GAGO: Under new section 117B(1)(c) it says:

> (c) any image, symbol, abbreviation, acronym...association with, a declared criminal organisation, including—
>
> (i) the symbol "*1%*"; and
>
> (ii) the symbol "*1%er*"; and
>
> (iii) any other image, symbol, abbreviation...

The Hon. T.A. FRANKS: Is the minister aware of the Occupy Movement, which is an international movement, and their use of the term '1%', and can she give a guarantee that they will not fall foul of these laws?

The Hon. G.E. GAGO: The 1% could be captured if, as in paragraph (c), it indicates membership of, or an association with, a declared criminal organisation. It would need to be in that context.

The Hon. A.L. McLACHLAN: I might make one further comment, reflecting on some comments of the Hon. Mr Parnell. Ignorance of the law is no excuse. In the course of this committee stage members such as myself will need some indication of what is intended to be captured by the provisions in this bill. I do not think it is satisfactory simply to say that a lot of them are legally interpreted by the court. At its core, it has been drafted on the basis of instructions from the Attorney, and he must have had some intention to capture certain activities, otherwise it would not have been drafted in the form that it has.

This will be particularly relevant when we come to subsequent sections and definitions, because some of them are extremely broad. As a member of this chamber, I need to understand the sort of activities which are going to be, prima facie at least, captured within the net of this legislation. Perhaps I have chosen to make that comment at this stage so that the Leader of the Government and her advisers can at least prepare themselves as we grind through, as I am beginning to imagine, clause by clause, through this amending bill.

Clause passed.

Clauses 2 to 7 passed.

Clause 8.

The CHAIR: Do you have some questions to ask, Mr Wade?

The Hon. S.G. WADE: The Hon. Mr Brokenshire might be joining us soon. I could perhaps ask some questions in the meantime. Can the minister assure the committee that the Crime and Public Integrity Policy Committee in terms of its responsibilities under this section would be able to seek and receive information beyond that provided by the minister or the Commissioner of Police in preparing their reports?

The Hon. G.E. GAGO: Yes.

The Hon. S.G. WADE: Will regulations declaring criminal organisation promulgated under section 83GA(1) as amended by this bill be subject to judicial review?

The Hon. G.E. GAGO: I am advised that in so far as we can predict what courts will do, we think yes.

The Hon. S.G. WADE: Sorry, I do not understand that answer. I would have thought that it is a matter of legislation and legislation's interaction with the common law as to whether or not a regulation is under administrative law subject to judicial review. I am asking are the regulations under this legislation liable to be challenged under judicial review?

The Hon. G.E. GAGO: I am advised yes, we believe so, on the basis of the decision of the High Court in relation to the O'Shea case.

The Hon. S.G. WADE: Under the Parliamentary Committees Act, the Crime and Public Integrity Policy Committee is entitled to receive functions either being assigned by an act or being referred by the parliament, but there is no specific statement in this bill that a function is being assigned, so I would ask the minister: does the government consider that the provisions in this bill in relation to the Crime and Public Integrity Policy have the effect of assigning a function to the committee in terms of paragraph (f) of section 15O(1) of the Parliamentary Committees Act?

The Hon. G.E. GAGO: I am advised yes.

The Hon. M.C. PARNELL: Given that clause 8 is one of the operative clauses, there are a number of questions that are unrelated to the amendments, so if we could have some latitude to ask those either before or in between the amendments being moved. Early on in clause 8, in fact, is the definition section. This is the proposed new section 83GA, which in subsection (1) has a list of definitions.

The first definition I want to ask about is the definition of 'criminal organisation'. This is absolutely critical, because most of the offences contained within this bill relate to a person's membership of a criminal organisation. It seems to me, reading it, that there are three ways that an organisation can be a criminal organisation. One way, which is in paragraph (b), is if they are declared under the Serious and Organised Crime (Control) Act 2008. Another way, which is in paragraph (c), is if it has been declared by regulation, and that effectively is schedule 1 of this bill. However, in paragraph (a) of the definition it provides:

> *Criminal organisation* means—
>
> (a) an organisation of 3 or more persons—
>
> (i) who have as their purpose, or 1 of their purposes, engaging in, organising, planning, facilitating, supporting, or otherwise conspiring to engage in, serious criminal activity; and
>
> (ii) who, by their association, represent an unacceptable risk to the safety, welfare or order of the community

Basically, if an organisation meets those criteria they are a criminal organisation. They do not have to be listed in the regulations, they do not have to be declared under the 2008 Serious and Organised Crime (Control) Act. Am I correct that simply by meeting that definition they are a criminal organisation?

The Hon. G.E. GAGO: I am advised yes, if it were able to proved in a court.

The Hon. M.C. PARNELL: I am not sure whether that is the case, and later I will come to why do not believe that is. On the basis of this definition the Mafia would, on my vague understanding of the Mafia, be a criminal organisation for the purpose of this act, is that correct?

The Hon. G.E. GAGO: I believe that is a fair assumption, but it would need to be proven by a court of law.

The Hon. M.C. PARNELL: Triads are some of the Asian gangs I have heard about. What about sporting clubs, AFL clubs for example, where players might have taken illegal drugs or traded illegal drugs with each other? Are they, by definition, criminal organisations?

The Hon. G.E. GAGO: I am advised that they would only be included if one of the purposes of that organisation were to participate in serious criminal activity. It would need to be the purpose or amongst the purposes of that organisation. I do not believe there are any football organisations that would currently be captured by this.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–2]—

Page 4, after line 6 [clause 8, inserted section 83GA(1)]—Before the inserted definition of *conviction* insert:

Committee means the Crime and Public Integrity Policy Committee of the Parliament;

The Hon. G.E. GAGO: The government rises to support this amendment. It is the first of a series that inserts the Crime and Public Integrity Policy Committee of the parliament into the process of scrutinising any regulation that is proposed to be made listing prescribed organisations. The government supports the amendment and, on behalf of the Attorney-General, I undertake that there is to be further reform in the future. The government will engage with the Crime and Public Integrity Policy Committee from an early stage.

The Hon. M.C. PARNELL: Given that the honourable mover has chosen not to speak in any detail to his amendment, I will ask him a question. Whilst I understand the intention is to insert a level of parliamentary scrutiny, and I understand that the honourable member sits on this particular committee, my question is: does he have any concerns that the committee is, for want of a better word, a government committee, in that the government numbers can always prevail in a vote? Does he have any concern that government committees always support the government line—certainly in my experience—regardless of any contrary views that non-government members of that committee might hold? Does that give the member any cause for concern about whether the Crime and Public Integrity Policy Committee will adequately be able to scrutinise decisions made under this legislation, and is he confident that it would, if required, go against a government position?

The Hon. R.L. BROKENSHIRE: I thank the honourable member for his good and sensible question. Just for the record, when we go back to the formation of the standing committee on crime and public integrity, which was formulated as a result of the ICAC bill, I actually went on the public record—and certainly spoke to my colleagues—saying that because this was a cross-section of the parliament in the upper house, on behalf of not only the upper house but also the House of Assembly and therefore the parliament in its entirety, there should have been consideration of an independent chair so that it was not a government-chaired committee. At that point in time that did not occur, although, to be fair, the opposition through the Hon. Stephen Wade said that that was something that the opposition could look at, depending on how things transgressed in time.

Since then, we have been able to have this enacted. I place on the public record that, at this point in time, the chairman (the Hon. Gerry Kandelaars) has been very professional and balanced in the way that he has chaired the committee. I have found the committee to be very multipartisan and balanced in the way that it assesses all matters. In fact, thus far, when we have had some very difficult issues put before the committee, I have felt that it has been very balanced and I have felt more comfortable than I have with a lot of other government committees. That is why, after quite a lot of deliberation, Family First decided to put this amendment up, and I thank the honourable member for a very good question on the amendment.

My caveat would be that, if things were to change, I would report back after deliberation with other members of the committee that perhaps we should look at an independent chair. However, at this point in time, given the importance of this committee and the fact that it is only one other committee that the Hon. John Darley sits on—and I am not sure about other members—and has a special position in the parliament, I think it is fine as it is. Given that the structure of the committee is three Labor members, two Liberal members and a crossbench member, I think it sits within my comfort zone regarding the points raised by the honourable member.

Notwithstanding that, if it were to become, as the honourable member rightly says happens with many standing committees, a government committee and therefore a rubber-stamp, then I would suggest that not only I but other non-government members on that committee would very quickly raise their concerns in the chamber. But at this point in time, I have seen good chairmanship and a very balanced and sensible committee. Therefore, I sit comfortably with goodwill and good intent with

this amendment based on the points I have covered and the good points raised by the honourable member.

The Hon. A.L. McLACHLAN: I would just like to respond to the Hon. Robert Brokenshire and, to the extent that this is probably the only time we are going to agree tonight, endorse the fine chairmanship of the Hon. Gerry Kandelaars. I myself have had no difficulty serving on the committee. However, my point to the chamber is: the nature of the work of the committee is now being recharacterised. The chamber going forward will rely on this committee to review material from the Commissioner of Police. Therefore, the question I would raise to the chamber—and it cannot be repaired tonight, but going forward—is whether it should be a government-dominated committee. I want to point out that that is no reflection on the government members on the panel.

It is not a good look that we are talking about the operation of executive power which in going forward will rely upon a recommendation to the minister from a committee which is dominated by the government. It is not a good look, it is not the perception that you would want and, whilst I think that these measures are ultimately inadequate and do not repair the flaws of the legislation which will ultimately guide me in my final vote, I think that on the passage of this bill there needs to be more work and discussion in relation to this committee for it will become a very serious committee and it will have almost a hybrid judicial function.

The Hon. B.V. FINNIGAN: I support these amendments because I think it is a good idea to have more scrutiny rather than less, but I would like to add my concerns in relation to this committee and how it operates. We should not be making decisions, as the Hon. Mr Brokenshire suggests, based on the current membership of the committee and how it is going. I am sure the Hon. Mr Kandelaars is a very fine chairman and I am sure all the honourable members on it are diligent and doing their job but that should not determine legislative provisions in relation to the committee because we think that they are good chaps—and I think they are all chaps actually—who are on it. To me, that is not a sound basis for deciding legislation.

I would point out that given that we have seen the opposition not for the first time come to this chamber and say this legislation is flawed, it is full of holes, it is not the right way to go about it, but we support it because we are not the government, can we really expect that members of the opposition—and this is no reflection on any member of that committee—be they Labor or Liberal in the future, are going to exercise the political courage on this committee that we so rarely see when it comes to law and order issues in the chambers themselves?

The Hon. M.C. PARNELL: The Greens will not be opposing these amendments but just to make it very clear, our position in these types of bills that we are fundamentally opposed to is generally to support amendments that make a bad bill slightly less bad. On that basis, we do not need to oppose this. I do just want to check something on an administrative matter with the honourable member. We have two sets of amendments filed by the Hon. Rob Brokenshire. They both effectively cover the same topic which is the insertion of the Crime and Public Integrity Policy Committee into this bill. He had a set of amendments: Brokenshire–1 which was filed on 2 July and the set that was filed on 27 July, although we just received it today. Can I just clarify with the member that set 2 replaces in its entirety set 1?

The Hon. R.L. BROKENSHIRE: I can see why the honourable member made so much money when he was an environmental lawyer because he is extremely astute. Yes, you are right. After some further consideration within our party and deliberation, I advise the house, thanks to the Hon. Mr Parnell, that my set 2 of amendments supersedes my set 1 of amendments and, therefore, my set 1 of amendments is obsolete and irrelevant and we are working with the set 2 of amendments.

Amendment carried.

The Hon. G.E. GAGO: I move:

Amendment No 1 [EmpHESkills—4]—

Page 5, after line 15 [Clause 8, inserted section 83GA]—After inserted subsection (1) insert:

(1a) Each regulation made under subsection (1) for the purposes of the definitions of criminal organisation, prescribed event or prescribed place and required to be laid before each

House of Parliament in accordance with the Subordinate Legislation Act 1978 may only relate to 1 entity, 1 event or 1 place (as the case may require).

This is the first of amendments in set 4, and I will speak to both sets of amendments in set 4 at the same time. These amendments are to the effect that any regulation made pursuant to the provisions now before the house that deal with prescribing organisations, events or places must also be presented to the parliament and the Crime and Public Integrity Policy Committee, that they must refer to one name, event or place per regulation. The amendment in relation to the liquor licensing regulations refers only to prescribed organisations because that is the extent of the regulation-making power.

These amendments were suggested by the opposition and the government is pleased to agree and sponsor these amendments. It should be noted that these clauses are also the subject of amendments proposed in set 2. Those amendments were drafted and filed in response to the opposition request that each and all regulations made pursuant to the listing process in the bill be the subject of a single and separate regulation. Those amendments do not make that requirement in relation to the listing of places and events. That omission was due to a misunderstanding of the opposition's wish and that is now in set 4 and these amendments set 2 will not be pursued.

The Hon. M.C. PARNELL: I want to pursue what the minister just talked about because what we have here are two amendments that, unless you look at them carefully, are identical. One was filed at, or rather the date stamp—we only got them today at 2.15 but the date stamp is 2.50pm on the 28th and then the set that the minister is now relying on—set 2 was from 2.50pm and set 4 was 5.08pm. So, after having prepared and asked to be distributed the minister's amendments set 2, two hours and 18 minutes later a substitute set is put on the record.

What that says to me is that either they are making stuff up as they go along and making mistakes as they go along. The minister has offered an explanation which is that there was some misunderstanding between the government and the opposition. My question is: in settling this legislation did the government not provide the opposition with the words of the amendments that sought to give effect to the agreement that had been reached? If the answer is, no, you did not, my question is: what type of negotiations were these?

The Hon. G.E. GAGO: I am advised that the reason set 4 was filed—our intention was to file it as soon as we possibly can, obviously to give people the maximum amount of time. As I said, there was a misunderstanding about what the wish of the opposition was and when that was realised changes were made as soon as possible, as I said, to give people the maximum amount of time.

The Hon. M.C. PARNELL: I thank the minister for her answer but it does not satisfy me at all. What the minister is saying is that you wanted us to have the maximum amount of time to look at these amendments. We got both sets of amendments at 2.15 today on our desks; no note saying, 'Whoops, we made a mistake with set 2. Please ignore that, it is now set 4.' Was the minister under some expectation that other members of parliament who had not been involved in these negotiations would somehow know about these amendments?

That is my first question. How did you think we would find out about these amendments, other than collecting them from the desk when we came in for question time today? How did the minister think we would find out? Secondly, if two hours and 18 minutes after realising a mistake was made a new set was drafted, why did the minister not instruct the parliamentary counsel, or the Legislative Council staff, to withdraw the first set of amendments?

The Hon. G.E. GAGO: I am advised that they were filed using the usual process and that is the explanation.

The Hon. M.C. PARNELL: I take this opportunity to make the point that the usual process in this place is rubbish. It is absolute rubbish. It means that if, for example, an amendment was prepared and filed on Friday then we would not get to see it for a month and a half. I mean, it is absolute rubbish that we are relying on a paper-based system where members are not notified of amendments.

You can say that it is the obligation of each individual member to circulate their own amendments to other members of parliament. The point I am making is that the government made,

in this case, if that is the system it is relying on, no attempt to tell any of us the content of these amendments, knowing that they were late and knowing that we would not get them until 2.15 this afternoon. I think it is outrageous.

Normally, what I would have done at this point is I would have been dividing every 15 minutes to adjourn, to report progress. I have not sought to do it because I know where the numbers are. In the olden days, when Paul Holloway was sitting in that chair, we would have butted heads and I would have been dividing on every comma and every question mark in the legislation.

So, we are letting it proceed, but I want to put on the record now that, after nine years, I am thoroughly sick of this place having such antiquated systems of distribution of amendments, that in the electronic age we have to rely on a piece of paper being put on our desk, even though the matter is urgent—and this is one of the most important pieces of legislation we are going to deal with this year. I am just making it as an observation, but I would invite the minister to discuss with us, perhaps over the winter break, whether it is standing orders or whatever it might be, the fact that we have to get a better system in place because this is really disrespectful to members of parliament.

The Hon. G.E. GAGO: I agree that there is room for improvement, and I would be happy to work with the Hon. Mark Parnell and other interested members of this house on looking at improving processes in this place.

Amendment carried.

The Hon. A.L. McLACHLAN: On another matter, I refer to the definitions of 83GA(1). I want to take us to the definition of 'participant', which is extraordinarily broad at first blush, and I want to try to understand the breadth of the application of this definition. In my casual reading, particularly paragraph (d) where it says 'person who attends more than 1 meeting or gathering of persons who participate in the affairs of the organisation in any way', there does not appear to be any time limit in relation to that. Is it true that, if I were an 18-year-old boy who was participating, and then I had a second meeting at age 60, I would technically come within that provision?

The Hon. G.E. GAGO: The fact is that there is no time limit prescribed and I am advised that technically the example you give may be captured, but it is also well known that motorcycle gangs and their full members use and employ the services of prospective members and wannabes to do some of their criminal activities for them and commit crimes on behalf of the organisation and its full members if only to prove themselves. It would be intolerable if prospects and their kind could avoid the disruptive effect of the sanctions placed on association and participation just because they are not full members.

In any event, it would also be intolerable if the prosecution in one of these offences would have to prove full membership of an organisation for sanctions to bite. These criminal organisations do not keep definitive membership lists, and many individuals move in that shady area of the association, either in full or part.

The Hon. T.A. FRANKS: I was more concerned by the definition of 'participant', and I draw the minister's attention to:

(e) a person who takes part in the affairs of the organisation in any other way.

Can the minister provide clarity on that definition and, in fact, how people will not be caught up in that definition?

The Hon. G.E. GAGO: It is outlined in new section 83GA(e), which provides that a participant in a criminal organisation is:

a person who takes part in the affairs of the organisation in any other way…

So, that is, a criminal organisation. If they take part in that organisation then they are deemed to be a participant.

The Hon. T.A. FRANKS: Not all affairs of a criminal organisation are of a criminal nature. Would this include a toy run, for example?

The Hon. G.E. GAGO: The organisation they belong to would need to be a criminal organisation and the activity would need to warrant their participation in that organisation, so some

sort of activity. The organisation would need to be identified as being involved in a serious criminal activity.

The Hon. T.A. FRANKS: The minister just referred in her answer then with the words, I think, 'the organisation that they belong to'. I draw the minister's attention to the fact that I am talking about the participant section and she is possibly talking about the member section. The participant section follows the member definitions and states in (e):

> a person who takes part in the affairs of the organisation in any other way…

Those affairs may not be of a criminal nature. Will a person be defined as being a participant in a criminal organisation if they take part in a noncriminal event?

The Hon. G.E. GAGO: I am advised that being a participant is not in and of itself an offence, but participating can qualify for the application of other offences which require more than just participation such as associating with two or more other participants.

The Hon. M.C. PARNELL: I might explore the same theme. Interestingly, there is an exclusion from this definition. In other words, if we are sticking with 'participant in a criminal organisation' and paragraph (e) 'a person who takes part in the affairs of the organisation in any other way', then it says 'but does not include a lawyer acting in in a professional capacity'. My question is: what about the accountant who is preparing the books in order to lodge a tax return, for example, for an organisation or some other professional who is not a lawyer?

The Hon. G.E. GAGO: I am advised they may be, but I remind honourable members that it is not an offence to be a participant in and of itself; so that on its own does not qualify as an offence.

The Hon. M.C. PARNELL: With all due respect it does. If the accountant is not included in this definition and if under the proposed section 83GC—

The Hon. T.A. Franks interjecting:

The Hon. M.C. PARNELL: —and B as well, but let's stick with 83GC, if the accountant who is a participant, enters or attempts to enter a prescribed place. So if the accountant makes house calls then he or she is guilty of a criminal offence and goes to gaol for three years.

The Hon. G.E. GAGO: I am advised that if the accountant is a participant and enters a prescribed place, that that could be deemed an offence. However, if the club member went to the accountant's office, that is probably not going to constitute an offence.

The Hon. A.L. McLACHLAN: A cleaner attends the prescribed place, ongoing, and cleans regularly the Hell's Angel clubhouse.

The Hon. G.E. GAGO: It is unlikely to be captured because I doubt that a cleaner would be considered a person who takes part in the affairs of the organisation.

The Hon. T.A. FRANKS: Through you, Chair, you may doubt it, minister, but are you sure of that in this legislation? Further, 83GB provides that participants in criminal organisations being knowingly present in public places can lead to imprisonment for three years. So is that office of that tax accountant a public place?

The Hon. G.E. GAGO: I have already answered the question about the accountant and, in terms of whether it may or may not be captured, it is a matter of interpretation and the final say would be that of a court. But it is unlikely. A cleaner would be unlikely to be seen as a person—what is it—taking part in the organisation.

The Hon. T.A. FRANKS: It was 'taking part in the affairs of the organisation', through you Chair, to the minister, and, indeed, that definition under E was very broad and did not specify that it was only the criminal affairs of that organisation. So is the minister convinced that participants—innocent bystanders—members of the public going around doing their jobs as accountants or cleaners, or otherwise, will not be caught up in this legislation and, indeed, facing imprisonment of up to three years?

The Hon. G.E. GAGO: I have answered the question as best I can. We have talked about lawyers, accountant and cleaners and I have outlined what the government's view is on what could

and what may or may not be captured, but it is a matter of interpretation by the courts and they will determine the final result and, as I said, the courts are full of very sensible people who use good judgement in their interpretation of these things.

The CHAIR: The Hon. Mr Brokenshire, did you want to move your amendment No. 2?

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 2 [Broke–2]—

Page 5, after line 19 [clause 8, inserted section 83GA]—After inserted subsection (2) insert:

(2a) A recommendation of the Minister in relation to an entity for the purposes of subsection (2) may only be made—

(a) after the receipt of a report of the Committee in relation to the entity under section 83GAA (and, in such a case, the recommendation must include a statement as to the opinion of the Committee on whether or not the entity should be declared a criminal organisation for the purposes of this Division); or

(b) after the passage of 10 days after a referral in relation to the entity was made to the Committee by the Minister under section 83GAA(1).

It is straightforward and it is subsequent to the whole intent of my amendments, but it puts a check and balance there on behalf of the parliament and, therefore, on behalf of the community of South Australia whereby the Crime and Public Integrity Policy Standing Committee must have certain rights to assess requests for further declarations.

The Hon. A.L. McLACHLAN: I have a question for the Hon. Mr Brokenshire. Can he please give guidance to the chamber on why he settled for 10 days?

The Hon. R.L. BROKENSHIRE: A very good question from my honourable friend. It is because, from time to time, and let us hope that it does not occur, there may be a situation where, for some reason, an organised crime syndicate, for want of a better description but I think the honourable colleague understands what I am saying, decides to move into South Australia. Police pick up that intelligence, the commissioner contacts the Attorney and time is of the essence, so then I believe 10 days is enough time for the committee to be notified to assemble, to deliberate and report.

Because this is an important committee, as the honourable member has said, it will, as the honourable member has also said, become an even more important committee. I think we have to cover extreme circumstances and, therefore, I believe 10 days is enough to get a quorum assembled and to consider in extreme circumstances. I would add for the public record that, on most occasions, I would consider that there would be more available time than 10 days, but that is there as an absolute minimum.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 3 [Broke–2]—

Page 5, after line 21 [clause 8, inserted section 83GA(3)]—Before inserted paragraph (a) insert:

(aa) if the Minister has received a report of the Committee in relation to the entity—the report of the Committee;

At twenty to 11 at night, after discussing the issue generally, as I have indicated to the house, some of these are just flow-on, subsequent amendments to the intent of my amendment.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 4 [Broke–2]—

Page 5, after line 37 [clause 8, inserted section 83GA]—After inserted subsection (3) insert:

(3a) Section 10A of the *Subordinate Legislation Act 1978* does not apply in relation to a regulation made under paragraph (c) of the definition of *criminal organisation* in subsection (1).

I have covered this as well.

Amendment carried.

The Hon. M.C. PARNELL: There are a couple of contributions which arise just before the Hon. Mr Brokenshire's amendment No. 5 crops up. I wanted to ask about subclause (6) at the top of page 6. I think the Hon. Andrew McLachlan has one on the page before, but I will start with mine. This provision relates to when the members of a criminal organisation substantially reform themselves into another organisation, then it says that 'that organisation is taken to form a part of the original organisation (whether or not the original organisation is dissolved)'.

I want to understand how that is going to work. For example, I can understand that, if there are 20 members of a criminal organisation and all 20 members rename themselves and reform under a different name, this provision is designed to capture that, but what if an outlaw organisation, a criminal organisation of 20 members, splits into four different organisations, each with five members? My question is: are each of those new bodies—in other words, the four bodies that replace the one—by this definition, deemed to be a criminal organisation?

The Hon. G.E. GAGO: I have been advised that the key word to this is the word substantially. The question is whether the new organisation is substantially the same as the old and obviously that is not exactly the same and conversely it is not entirely different; it is a question of degree.

The Hon. M.C. PARNELL: I think that very likely is the correct answer, but using the example that I gave: if an organisation of 20 splits into four organisations of five are each of those new four organisations covered? Let's say they were all doing identical things to what they were doing before with exactly the same people doing the same stuff as they were before, but they are now doing it under four different names in four different organisations. They have had a falling out.

The Hon. G.E. GAGO: I have answered the question. If all or some of them are substantially the same, then they would be captured, if not, they would not.

The Hon. A.L. McLACHLAN: I put this proposition: if all the members of the Hells Angels in South Australia joined a trade union, would that trade union become a criminal organisation?

The Hon. G.E. GAGO: I am advised again that the answer is a matter of degree and whether it was a substantial part of the membership or not. So if it was a very large union and the membership of, say, the Hells Angels was 1 per cent, then probably not, so it is a matter of degree.

The Hon. A.L. McLACHLAN: I find this provision particular insidious because what it does is it never stops. Once the declaration has been made, it is like a virus and will continue without requiring anybody to bring it back to the parliament, if you accept that is the proper place, for a review. There seems to be nothing here that stops the process of a declaration. Perhaps the minister could assist me in what is the process? Do they divide down to a group of two, three or four out of 50 and then they are still declared? At what point is the government considering when, if I could put it this way, the declaration virus burns itself out?

The Hon. G.E. GAGO: I have answered the question. It is a matter of degree and it is whether it is substantially the same or not.

The Hon. A.L. McLACHLAN: I will just take us back a page to subsection (4) which states:

For the avoidance of doubt, nothing prevents the regulations declaring as a criminal organisation an entity that is, at the time of the declaration, based interstate or overseas and not operating in this State.

I am assuming that the government is comfortable that that attempt at extra-territoriality is constitutional, but I would appreciate some guidance on the matter.

The Hon. G.E. GAGO: I am advised that the advice that we have received is that it is.

Amendment carried.

The CHAIR: I put the question that clause 8 as amended be—

The Hon. M.C. PARNELL: There is a lot more in clause 8.

Progress reported; committee to sit again.

STATUTES AMENDMENT (VULNERABLE WITNESSES) BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

STATUTES AMENDMENT (SUPERANNUATION) BILL

Introduction and First Reading

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

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (22:50): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the following Acts for the purpose of altering the superannuation arrangements provided under those statutes: the *Police Superannuation Act 1990*, and the *Southern State Superannuation Act 2009*.

One of the main proposals dealt with in the Bill relates to the introduction of a facility that would permit police officers who are members of Triple S to elect to make their compulsory superannuation contributions required under the *Southern State Superannuation Act 2009* (4.5% for most police officers) on a salary sacrifice or pre-tax equivalent basis. In order to ensure that the final benefit is not adversely reduced by tax, it is necessary for the salary sacrificed amount to be increased to take account of the 15% tax that will be payable on the contribution when it is paid from the scheme as a benefit. This will mean that police officers will be required to make a contribution of at least 5.3% of pre-tax monies to ensure the equivalent after tax contribution of 4.5% is maintained.

Police officers who are members of Triple S and who were previously members of the former Police Lump Sum Scheme may currently contribute to Triple S at the 'applicable percentage', being the rate that they were required to contribute under that former Scheme. This will ensure that they remain eligible for the 'minimum guaranteed benefit' upon retirement under Schedule 1 of the *Southern State Superannuation Act 2009*. The intention is for these members to be permitted to make these compulsory contributions on a pre-tax basis. However, the applicable percentage in respect of each eligible officer will need to be increased to take account of the tax that will be payable on the pre-tax contribution once the benefit becomes payable.

Any police officer who makes a pre-tax contribution of at least 5.3% (or the greater adjusted applicable percentage required in respect of those wishing to maintain the minimum benefit guarantee) will no longer be required to make their compulsory contribution on a post-tax basis. However, such officers will be permitted to make extra after tax contributions on a voluntary basis.

The maximum 10% employer contribution rate will continue to apply to those making a pre-tax contribution of at least 5.3% or a post-tax contribution of at least 4.5%.

The other main proposal in the Bill seeks to implement the proposal to increase from 10% to 11% the rotating shift allowance multiple recognised under the *Police Superannuation Act 1990* in respect of contributors to the Police Pension Scheme who hold the rank of senior sergeant or a lower rank who at any time during the contribution period were rostered to work on day, afternoon and night shifts (or on any two of those shifts) on a rotating basis.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Police Superannuation Act 1990*

4—Amendment of section 4—Interpretation

This amendment increases from 10% to 11% the percentage to be applied in determining increased contributions and benefits of the actual or attributed salary of a contributor who, at any time during the contribution period, was rostered to work on day, afternoon and night shifts, or on any 2 of those shifts, on a rotating basis. The provision only applies in relation to contributors holding the rank of senior sergeant or below.

Part 3—Amendment of *Southern State Superannuation Act 2009*

5—Amendment of section 3—Interpretation

This clause inserts a definition of salary sacrifice contribution.

6—Amendment of section 5—Employer contribution percentage

This clause amends section 5(3) of the Act to provide that a prescribed member who makes salary sacrifice contributions at a rate of at least 5.3% is entitled to an employer contribution of 10% or a percentage equal to the charge percentage applicable to the employer of the member under the Commonwealth Act, whichever is the greater. A prescribed member may, in addition, make contributions under section 20 at a rate of at least 4.5%. A prescribed member is defined as a police member (other than a police cadet or a police officer employed on a contract having a fixed term) or a member or members of a class prescribed by regulation.

7—Amendment of section 20—Contributions

Section 20(1)(b) of the Act provides that a police member must make contributions to the Treasurer as a deduction from salary at a rate that equals or exceeds the percentage prescribed by regulation. This clause amends section 20 so that a police member who is making salary sacrifice contributions at a rate of at least 5.3% need not comply with section 20(1)(b).

8—Amendment of section 21—Payments by employers

This clause inserts a new subsection 21(2) in order to require employers to make payments on behalf of members who make salary sacrifice contributions.

9—Amendment of Schedule 1—Transitional provisions

The amendments to this provision are consequential on amendments in clause 6 of the measure, and will extend the guarantee of minimum benefits provided under the transitional provisions (which are determined in accordance with the regulations) to former members of the Police Superannuation Scheme who are making salary sacrifice contributions under the Triple S Act in accordance with the requirements of the provision.

Debate adjourned on motion of Hon. M.C. Parnell.

At 22:52 the council adjourned until Thursday 30 July 2015 at 10:00.

Answers to Questions

LONG SERVICE LEAVE LIABILITY

17 The Hon. R.I. LUCAS (3 December 2014). (First Session) For each department or agency then reporting to the minister—

1. What is the estimated long service leave liability as at 30 June 2014, in days and dollars?

2. What is the highest long service leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?

3. (a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the department or agency to fund long service leave; and

   (b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?

4. (a) What policies, and monitoring of these policies, are in place to ensure that there is not a build-up of long service leave liability within the department or agency; and

   (b) Are employees required to take long service leave after a certain level of entitlement has accrued?

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

This response covers portions of the following portfolios the Department of the Premier and Cabinet reports to:

- Premier
- Attorney General
- Minister for State Development
- Minister for the Public Sector

The estimated long service leave liability as at 30 June 2014, as recorded in the department's 2013-14 Annual Report, is $41,077 million, which equates to 202,438 working days.

The highest long service leave entitlement that has not been taken for any employee, as at 30 June 2014, in working days is 468, and the employee with the highest long service leave entitlement in dollars is $0.521million.

The department has sufficient net assets to fund its liabilities including leave entitlements.

With respect to the granting of long service leave, the department adheres to the Commissioner for Public Sector Employment Determination 3.1: Employment Conditions—Leave. The department has policies in place to support this Determination.

The Commissioner's Determination provides that employees cannot be directed to apply for and take long service leave. However, there are flexible arrangements in place to support and encourage an employee who wishes to take long service leave, including a policy that supports the payment in lieu of long service leave and taking long service leave on half pay.

ANNUAL LEAVE LIABILITY

101 The Hon. R.I. LUCAS (3 December 2014). (First Session) For each department or agency then reporting to the minister—

1. What is the estimated annual leave liability as at 30 June 2014, in days and dollars?

2. What is the highest annual leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?

3. (a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the department or agency to fund annual leave; and

   (b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?

4. (a) What policies, and monitoring of these policies, are in place to ensure that there is not a build-up of annual leave liability within the department or agency; and

   (b) Are employees required to take annual leave after a certain level of entitlement has accrued?

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

This response covers portions of the following portfolios the Department of the Premier and Cabinet reports to:

- Premier
- Attorney General
- Minister for State Development
- Minister for the Public Sector

The estimated annual leave liability as at 30 June 2014, as recorded in the department's 2013-14 Annual Report, is $12,316 million, which equates to 37,029 working days.

The highest long service leave entitlement that has not been taken for any employee, as at 30 June 2014, in working days is 91, and the employee with the highest long service leave entitlement in dollars is $0.067million.

The department has sufficient net assets to fund its liabilities including leave entitlements.

With respect to the granting of annual leave, the department adheres to the Commissioner for Public Sector Employment Determination 3.1: Employment Conditions – Leave. The department has policies in place to support this Determination.

The department's Leave Guideline states employees are entitled to a period of time away from the workplace for rest and recuperation during a service year. Employees should use their full entitlement of recreation leave each service year. An employee may seek approval to defer their recreational leave entitlement into the following service year. Employees may be directed to take recreational leave and should not accrue more than two year' entitlements, except in exceptional circumstances.

SUICIDE PREVENTION

In reply to **the Hon. J.S.L. DAWKINS** (4 June 2014). (First Session)

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

The role and function of the proposed Mental Health Commission for South Australia are currently being developed. Parliamentary Secretary Leesa Vlahos is leading research into the different models of Mental Health Commissions which exist in other jurisdictions. Discussions are continuing with Mental Health Commissioners in other states to obtain more detailed information.

All of this information will be factored into a design process to ensure that South Australia has the right model for its needs. The SA Health Transforming Health initiatives will also influence the role and function of the Mental Health Commission.

SUICIDE PREVENTION

In reply to **the Hon. J.S.L. DAWKINS** (18 September 2014). (First Session)

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

The South Australian Suicide Prevention Strategy 2012-16: Every life is worth living ('the Strategy') was released in September, 2012.

This government is committed to the ongoing implementation of the Strategy, of which Goal 5 emphasises the importance of postvention activities and programs.

The Strategy was recognised at an international postvention conference in 2013 as leading the way in recognising the importance of postvention work, recognising not only the need for support after a suicide but also after a suicide attempt.

The research undertaken to develop the South Australian Suicide Prevention Strategy found that South Australia is well serviced by programs for suicide prevention and postvention but a coordinated approach is still required.

The government is committed to Suicide Prevention Networks which are being established around the state, utilising collaborative action to raise awareness and promote community resilience in prevention and postvention. These networks are comprised of members from the community who have lived experience with suicide.

SA Health has facilitated networks in Mount Gambier, Aboriginal Network for the South East, Murray Bridge, Clare and Gilbert Valley, Gawler, Elizabeth, Naracoorte, and Whyalla and along with Wesley Lifeforce, networks are

established in Strathalbyn, Port Adelaide and Port Augusta. Further networks are being established in Ceduna, Prospect and West Torrens. Furthermore, early work has started in Peterborough, Mid Murray and York Peninsula areas.

In 2014-15, the South Australian Government committed over $1 million to the ongoing implementation of the South Australian Suicide Prevention Strategy.

The SA Office of the Victim of Rights provides an excellent publication Information for those bereaved by suicide. This booklet is distributed by the South Australia Policy to those bereaved by suicide and is also now widely distributed by the Suicide Prevention Networks. It is updated frequently and is freely available to the public, to ensure people have this information in readiness for such an event.

SA Health has also spoken with organisations such as the Bereaved by Suicide Support Group. Their leadership believe organisations such as theirs should be self-funded entities, empowering members to support each other.

CLIMATE CHANGE

In reply to **the Hon. M.C. PARNELL** (23 September 2014). (First Session)

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

1. Both the investment target of $10 billion in low carbon generation by 2025 and the new 50 per cent target for electricity production from renewable energy sources by 2025 assume capital expenditure by private companies. The private sector is responsive to policy frameworks such as the Commonwealth Government's Renewable Energy Target scheme and the State Government's legislative changes allowing renewable energy development on pastoral lands.

2. Achieving the 50 per cent target for electricity production from renewable energy sources by 2025 is dependent on the Commonwealth Government retaining the Renewable Energy Target scheme. As such, the 50 per cent target has status as a stated target guiding State Government policy rather than a formal target under the *Climate Change and Greenhouse Emissions Reduction Act 2007*.

SKILLS FOR ALL

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (25 September 2014). (First Session)

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

VET student outcomes are measured by the Department of State Development using a number of instruments. As I mentioned in my initial response to the Honourable D.W. Ridgway, the increase in the number of people participating in training and education is a success in its own right.

The department uses an annual survey of VET graduate outcomes administered by the National Centre for Vocational Education Research (NCVER), the leading authority on VET statistics and research in the country.

The latest figures for 2013 VET graduates show:

- 78.7% of South Australian graduates were employed after training; which was above, the national average of 77.6%
- 89.3% of South Australian graduates were employed or engaged in further study after training; which was above the national average of 87.9%
- 89.5% of South Australian graduates were satisfied with overall quality of training, above the national average of 87.6% and also above the previous year's figure of 88.4%

NCVER will release the results for 2014 VET graduates in December 2015.

In addition to annual student and graduate surveys, the department has conducted numerous graduate surveys. To date, three Independent Validation of Assessment Industry Reports have been completed in the aged care industry, the child care industry and the disability industry, covering four Skills for All courses. These reports are available online at www.skills.sa.gov.au.

The Independent Validation of Assessment Industry Report – Disability Industry—Certificate III in Disability covers students who graduated between 1 November 2012 and 31 March 2014. It found that:

- Unemployment amongst respondents to the graduate survey fell from 57% prior to course commencement to 20% after graduation.
- Almost 70% of respondents who were unemployed prior to course commencement transitioned into employment, with over 80% employed in disability care or related employment.

The Independent Validation of Assessment—Industry Report—Aged Care Industry—Certificate III in Aged Care covers students who graduated between 1 November 2012 to 31 October 2013. It found that:

- Of graduates surveyed, 57% were unemployed before enrolment.
- After enrolment, 54% of the unemployed group gained employment in aged care.

The Independent Validation of Assessment—Industry Report—Child Care Industry—Certificate III and Diploma in Children's Services covers students who graduated between 1 November 2012 to 31 March 2014. It found that, in relation to a Certificate III in Children's Services, that:

- 49% of the graduates surveyed were unemployed prior to enrolment.
- 56% of those who had been unemployed subsequently gained employment after graduating, and of those, 70% transitioned into a child care role.

It also found, in relation to the Diploma of Children's Service, that:

- 23% of graduates surveyed for the diploma were unemployed prior to enrolment.
- 61% of those who had been unemployed gained employment after graduating, and of those, 90% transitioned into a child care role.

BORDERLINE PERSONALITY DISORDER

In reply to **the Hon. K.L. VINCENT** (10 February 2015).

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

1. The reference to the United Kingdom document within the Social Impact Bond expression of interest (E.O.I) came directly from the 2014 Statewide Mental Health Clinical Network report 'Borderline Personality Disorder: an overview of current Borderline Personality Disorder Services in the public sector across SA and a proposed way forward' (p.12).

This was not apparent in the E.O.I. document, which listed the source of the originally published UK document (but did not refer to its subsequent citation in the 2014 SA Health document). The 2012 National Health and Medical Research Council's Clinical Practice Guideline for the Management of Borderline Personality Disorder also considered the findings of the 2009 United Kingdom document when formulating their recommendations.

2. Further to the release of the Borderline Personality Disorder report in 2014, SA Health has commenced work to develop a coordinated stepped system of care for people with Borderline Personality Disorder in SA. The BPD Service Improvement Project is being progressed which will have input from an Expert Clinical Reference Group (comprising consumers, carers and clinicians). Statewide implementation under the auspices of BDP Steering Committee will commence from April 2015. BPD was one of several areas mentioned in the Social Impact Bond EOI process.

In the BPD area, should an EOI for a Social Impact Bond be successful this will complement and build on the work of SA Health resulting in increased capacity across the broader community to respond to the needs of BPD consumers and their families.

3. The Government will continue to work with and engage relevant stakeholders including those with BPD and their family carers as the Social Impact Bonds process progresses.

SUICIDE PREVENTION

In reply to **the Hon. J.S.L. DAWKINS** (12 February 2015).

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

1. The government and non-government education sectors have led South Australian work in suicide prevention and postvention strategies since 2007. One of the most significant initiatives has been the development of the *Suicide postvention guidelines* in 2008.

South Australia was the first education jurisdiction in Australia to develop and implement Suicide postvention guidelines for school communities. Other Australian education sectors and organisations, including headspace, have subsequently replicated and adapted these guidelines.

The guidelines exist to assist schools in responding to the tragic occurrence of suicide, attempted suicide or suspected suicide within the school community. The aim of the guidelines is to prevent suicide 'contagion' by actively protecting young people, already identified as vulnerable, from the known risks of exposure to the suicide of other young people All schools must adhere to these guidelines when responding to a suicide attempt or suicide death of a student.

2. Training for school leaders accompanied the implementation of the Suicide postvention guidelines and has subsequently been included in the mandatory Responding to Abuse and Neglect training for all employees.

DECD works in partnership with Child Adolescent Mental Health Service to provide Youth Mental Health First Aid for school-based counsellors and education staff. The course teaches adults how to assist young people who are developing a mental health problem, in a mental health crisis situation, or in the early stages of a mental illness. It specifically includes first aid for suicidal thoughts and behaviours.

Staff have access to a range of professional learning opportunities that support schools in promoting and protecting the mental health, resilience and social and emotional wellbeing of all students through initiatives such as MindMatters, KidsMatter, Inspire, Black Dog Institute and headspace.

3. The Health and Physical Education curriculum identifies mental health and wellbeing as a focus area. This area addresses how mental health and wellbeing can be enhanced and strengthened at an individual and community level.

Schools implement a range of evidence-based universal mental health and wellbeing programs. The content supports students to develop knowledge, understanding and skills to manage their own mental health and wellbeing as well as support others' mental health and wellbeing.

MARRYATVILLE HIGH SCHOOL LIBRARY

In reply to **the Hon. K.L. VINCENT** (24 February 2015).

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

1. The Marryatville High School Redevelopment Project was part of the South Australian Government's election commitment in 2010-11 to expand four State high schools. The redevelopment included the construction of the new 21st Century Learning Centre, the refurbishment of Buildings 1 and 7 and extensive landscaping and civil works.

As articulated in the Final Report for the Marryatville High School Redevelopment tabled in 2012, the library area on the first floor of Building 7 has been refurbished to consolidate student services functions and incorporate a general learning area, and provide flexible collaborative learning spaces which have been provided on the second floor of Building 7.

The conceptual drawings included in the Public Works Report indicated a 'learning common/resource hub' space in the location of the previous existing library in Building 7. Following further development of the design during 2013, the redevelopment works focused on the incorporation of 'learning common/resource hub' spaces predominantly within the new 21st Century Learning Centre to support resource-based learning.

The design of the floor plans for Building 7 and the new 21st Century Learning Centre was developed through extensive consultation with the principal, members of the senior leadership team, key staff and architect.

The final design of the floor plan for Building 7 was endorsed by the school in September 2013.

The design intent of the redevelopment was to provide educational facilities in line with 21st Century Learning in a variety of stimulating environments rather than the traditional approach. The final design provides a wide range of collaborative and informal areas with the opportunity for interactive learning in a resource-rich environment.

2. As a requirement of reporting to the Public Works Committee, the Department for Education and Child Development provided quarterly reports to the committee on the construction progress of the Marryatville High School Redevelopment project.

3. The Public Works Committee considers variations of significance to be a variation in the budget, expected completion date, scope, or any other significant aspect of the project. As reported to the Public Works Committee in the quarterly reports, DECD considers there were no variations of significance during the redevelopment.

VOCATIONAL EDUCATION AND TRAINING

In reply to **the Hon. T.A. FRANKS** (17 March 2015).

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

It recently came to the attention of the Department for Education and Child Development that the practice of offering incentives to schools to enrol students in training courses had occurred in one South Australian school.

On 12 March 2015, the Australian Government released its VET Fee-Help Reform Factsheet. This factsheet recognises that nationally some training providers or their brokers have been operating unethically by offering inducements such as cash, meals, prizes and laptops to encourage vulnerable students to sign up for VET Fee-Help loans. As of 1 April 2015 this practice has been banned.

As a precautionary measure, the Chief Education Officer of the Department for Education and Child Development has written to all school Principals to advise them of this situation.

PUBLIC SECTOR EMPLOYMENT

In reply to **the Hon. R.I. LUCAS** (19 March 2015).

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

New redeployment, retraining and redundancy arrangements were included in the South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2014 (the enterprise agreement).

Employees covered by the enterprise agreement are employed in administrative units (*Public Sector Act 2009*); SA Health (*Health Care Act 2008*) and a number of smaller public sector agencies.

The enterprise agreement required the Commissioner for Public Sector Employment to publish a Determination on the operational requirements of these new arrangements.

Following significant consultation with stakeholders, including information sessions with employees at various locations in the State and public sector agency representatives, the finalised Determination 7: Management of Excess Employees – Redeployment, Retraining and Redundancy (Determination No. 7) was issued on 19 March 2015.

Determination No. 7 provides that:

> 'If, after 12 months from the date of receipt of written advice that an employee is excess to requirements, and that employee has been unsuccessful in gaining substantive employment (either employment on a funded/substantive ongoing or term/temporary basis with a term of no less than 12 months) in the South Australian public sector, then the employment of that employee may be terminated on the grounds they are excess to requirements.'

If an employee had been declared excess prior to 19 March 2015 and that employee became excess as a consequence of organisational change, Determination No. 7 provides that the redeployment period (that is the 12 month period), will commence no earlier than 19 March 2015. The chief executive, agency head or delegate must formally advise an employee as to the commencement of the redeployment period and provide information to them about the employment and training arrangements potentially available to them.

SEAWEED HARVESTING

In reply to **the Hon. M.C. PARNELL** (24 March 2015).

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

Commercial harvesting of seaweed that has been detached from the seabed and washed ashore does not require approval under the *Native Vegetation Act 1991*.

The Department of Environment, Water and Natural Resources (DEWNR) has been working with the Department of State Development (DSD) and Primary Industries and Regions SA (PIRSA) to determine appropriate management strategies that will ensure the necessary environmental protections are in place. Monitoring and research are being considered, along with the management strategies.

ENVIRONMENT, WATER AND NATURAL RESOURCES DEPARTMENT CHIEF EXECUTIVE

In reply to **the Hon. R.I. LUCAS** (25 March 2015).

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

A selection panel, comprising of the following members, was formed:

- James Hallion, Chair and Chief Executive, Department of the Premier and Cabinet;
- Erma Ranieri, Commissioner for Public Sector Employment;
- Don Russell, Chief Executive, Department of State Development; and
- Rick Persse, Chief Executive, Attorney General's Department.

Ms Sandy Pitcher's appointment was recommended by the Chair of the selection panel following the consideration of applicants through the initial application process.

Ms Pitcher was the most senior candidate internal to government and given her experience, qualification and skills was appointed to the position of Chief Executive to the Department of Environment, Water and Natural Resources.

YATCO LAGOON

In reply to **the Hon. J.M.A. LENSINK** (25 March 2015).

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

The most recent advice regarding the reopening of the Yatco Lagoon was provided by the Department of Environment, Water and Natural Resources on 24 March 2015. That advice identified 21 April 2015 as the date for the formal opening event, but did not specify a date to open the control regulators at Yatco.

BODY IMAGE CAMPAIGN

In reply to **the Hon. T.A. FRANKS** (7 May 2015).

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

The campaign's target audience is 6-12 years old and sex positive feminist theories centre on women's sexual freedom therefore it would have been highly inappropriate to apply these perspectives to the body image project.