LEGISLATIVE COUNCIL

Wednesday, 6 July 2016

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

Bills

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Conference

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:18): I move:

That the sitting of the council be not suspended during the conference on the bill.

Motion carried.

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Conference

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:19): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

That the House of Assembly do not further insist on its amendment.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:20): I bring up the 27th report of the committee.

Report received.

Ministerial Statement

ADELAIDE FRINGE

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): I table a copy of a ministerial statement made in the other place today by the Minister for the Arts on The Fringe economic impact.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

FIRE MANAGEMENT PLANS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Environment and Conservation a question about burning off on private properties.

Leave granted.

The Hon. D.W. RIDGWAY: Honourable members may be aware that the EPA has proposed changes to the way exemptions are provided to private landowners who conduct burn-offs on their own properties to reduce fuel loads. A number of residents, particularly in the Adelaide Hills, have

contacted a number of my colleagues in the other place and are concerned about this new provision, that they may have to obtain permits, even though they are experienced with safely conducting burns on their property and also complying with the CFS safety requirements. My question to the minister is: what assurance can the minister provide that residents will not be captured by council red tape, which hinders their ability to reduce fuel loads on their property?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:22): I thank the honourable member for his most important question, even though I would advise him that he really should listen to the good work that his colleague in the lower house, Mr Duncan McFetridge, does on the wireless when he has an interview with me—

The Hon. J.S.L. Dawkins interjecting:

The Hon. I.K. HUNTER: Sorry, Mr Dawkins, the radio—where I think Mr Duncan McFetridge conceded that in fact the provisions that are in place currently have been in place since 1995. There is no desire to change the policy. What we are trying to do as a government is consult on changes that will actually decrease the amount of red tape that goes into this process.

The Hon. D.W. Ridgway: That's not what people think.

The Hon. I.K. HUNTER: Well, it may not be, but it is the responsibility of members such as yourself, the Hon. Mr Ridgway, to educate them appropriately, because you will now be given chapter and verse to take back to those constituents who have contacted you. I am advised that the Greater Adelaide region experiences good air quality when compared with standards of the National Environment Protection (Ambient Air Quality) Measure. However, it is acknowledged that at times there are particle levels that are higher than is desirable in some parts of Adelaide. In South Australia, ambient air quality monitoring evaluation and reporting in accordance with the ambient air quality NEPM is undertaken by the Environment Protection Authority.

The EPA also regulates industries that emit air pollution using a range of tools, including licence conditions, and they require long-term monitoring around major facilities. The National Clean Air Agreement provides a consistent framework for cost-effective management of air quality within all Australian states and territories over the coming decades. In terms of the consultation on the draft approach from the EPA, I can say this: it is a consultation. We are requiring that all councils come into the framework that has been in place since 1995, and that is that you must absolutely have a permit if you are going to burn off in the fire danger season—I do not think anybody quibbles about that.

The CFS will tell you about the number of burn-offs that get out of control in the state every year, roughly—and I will defer to my honourable colleague, the minister responsible, on this—I believe in the order of about 300 get away every year from people burning off from their properties, so of course we will continue to insist that people have a permit in place if they wish to burn off in the fire danger season, and this is controlled by the CFS.

However, the draft Environment Protection (Air Quality) Policy has been developed to better protect and improve the health of South Australians and the environment by bringing the regulation and management of air quality in line with contemporary practices. The draft policy provides controls on burning practices that will limit community impacts such as smoke and also educate landholders on appropriate burning in populated areas where the potential for human health impacts and nuisance is greater. Outside of these areas, the draft policy provides general guidance and requires compliance with the Country Fire Service codes of practice.

The CFS advises that on average they attend over 300 rural fires a year outside the fire danger season and I'm advised that the Cherryville fire in 2013 in the Adelaide Hills area was caused by a vegetation pile burn-off that got away during May. It is this type of fire that the policy provides better control for. The draft policy will not prevent bushfire fuel reduction but will ensure that such burns are better managed and do not impact neighbouring properties and limit impacts on air quality. Landowners must still seek permits from their council or their CFS to burn during fire season. Again, I do not believe anyone will quibble with that.

The policy does not apply where a permit has been obtained under the Fire and Emergency Services Act 2005 (known as CFS permits) or where the act requires or authorises any fuel reduction burning to occur. The policy allows for both permits and notices—and this is important because this is the government trying to reduce red tape for people. The policy allows for both permits and notices to regulate burning practices. Councils will continue to manage burning in their area and they will decide whether individual permits or a general notice for burning in areas is required in prescribed circumstances. The permit and the notice provisions are flexible and can be provided for specific times of the year. The permit provisions, I remind the house, have been in place since 1995.

The requirement for permits for this type of burning have been in place for up to 22 years for councils in metropolitan Adelaide and council areas that have opted in to the current Burning Policy, (Environment Protection) (Air Quality) Policy 1994. The new policy will therefore reflect the status quo for the majority of the state. A notable exception will be the Adelaide Hills Council which currently does not have a permit system in place to manage burning and has areas in metropolitan Adelaide which will require either a notice or individual permits for agricultural and bushfire prevention burns under the draft policy.

The EPA intends to continue to work with councils to support implementation of this policy. I am informed the EPA recently met with council (I imagine that is the Adelaide Hills Council) and some concerned residents from the metropolitan area of that council. I am advised that the EPA and council staff were able to clarify how the policy will operate in their area and that it will not prevent fuel reduction burning on rural properties. Of course, the government needs to consider the balancing of bushfire risk, public health and business and landholder flexibility, and I believe the draft policy allows for this, by allowing councils to say, 'We're not going to go with permitting. We're going to establish a notice and you can burn when you like as long as it's in this period of time and in coordination with the CFS policies.'

Again, I do not think too many people will have a problem with that. That is about reducing the red tape. If councils decide not to go for permits but to go for notices that means that individuals do not have to apply for permits, they just need to obey the burning during the notice provisions that are supplied by their local council. The CFS, Primary Producers SA, the Local Government Association and councils have all been consulted in the development of burning in the open provisions, with the Adelaide metropolitan fringe councils and a number of regional councils contributing to the development of the draft policy. More details on the draft Air Quality Policy are contained in the public consultation report which I am advised is on the EPA website.

FIRE MANAGEMENT PLANS

The Hon. J.M.A. LENSINK (14:28): I have a supplementary question. Does the minister or the EPA have any indication of which councils are likely to favour the permit system versus the notification system? Once they have made that decision, is that information going to be made publicly available on the EPA website?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:28): I thank the honourable member for her supplementary question. I do not know which councils will be making that decision. I suppose they have not made that decision yet. We can supply the honourable member, if she wishes, with a list of councils that have opted in already to the permit system. I believe that is well established. However, it will be up to individual councils, once the draft policy is in place, to determine what is best for their local community and whether they want to continue with the existing system of permits or whether they want to move to a deregulated system of using notices instead. I will undertake to find out for the honourable member which councils are currently permitting and we will need to wait for the draft proposal to be adopted and then see which councils decide to go for a deregulated approach.

SOLID WASTE LEVY

The Hon. J.M.A. LENSINK (14:29): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions about the solid waste levy.

Leave granted.

The Hon. J.M.A. LENSINK: The minister was on the wireless, as was I, the other morning in relation to this outrageous hike and he was asked by the FIVEaa interviewer, Mr Matthew Pantelas:

> Why haven't we spent that $90 million sitting in the fund?

That being the solid waste fund, and the minister then replied:

> That is a bit of a sinking fund for us and we are doing some work at the moment in terms of disaster waste management.

He went on to talk about earthquakes in New Zealand and moving broken-down buildings off the streets and so forth. My questions for the minister are:

1. Why aren't these matters covered already by the state government's insurance company?

2. How can the matter of a landfill levy be applied to the removing down buildings in the instance of an earthquake?

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 am very pleased that the honourable member has asked me this question again today around the issues of waste management. I am pleased to note that I already have the support of the Leader of the Opposition, Mr Marshall, for our government's reforms in the waste sector and our levy increase. I think I gave the chamber that information yesterday. I certainly welcomed his submission, as I outlined, which he provided—

Members interjecting:

The PRESIDENT: Order! The honourable minister has the floor.

The Hon. I.K. HUNTER: I welcomed his submission, as I outlined in this place yesterday, when he was chairman of Compost SA. However, I do wonder where the Leader of the Opposition has been since his on-air media performance yesterday—in his bunker I suspect. He was out there yesterday, of course, full of bluster, but that did not last very long. He is a bit of a fizzer today. It is because we know that he still backs, secretly of course, an increase to the waste levy, and the Leader of the Opposition supports it, because he knows it will create jobs and help grow the $1 billion industry. Of course, the best arguments for the levy increase come from him.

Today, another Liberal backer for our proposal has come forward, I am pleased to inform the chamber, and that person is none other than the New South Wales environment and heritage minister, Mr Mark Speakman, who has come out in support of our reforms. He utilised some social media platform that involves, I think it is called, a tweet. He says:

> Imitation is the sincerest form of flattery. SA budget copies much of New South Wales Waste Less Recycle More@NSW_EPA

So there we have another Liberal supporter, other than the Hon. Stephen Marshall, the Leader of the Opposition in another place, who has come out and supported the South Australian state government's budget measures and waste management. I welcome that, of course. I think it is a very smart move. There is a ringing endorsement from Liberals everywhere, Mr President. How embarrassing for those opposite who have not had the message yet up from Stephen Marshall in the other chamber, have not seen the tweet from New South Wales.

Members interjecting:

The Hon. I.K. HUNTER: How embarrassing for them to be out of step with their leader in the other house. They really do need to pick up on their communications.

Members interjecting:

The PRESIDENT: Minister, I just want you to answer the question, if you could please.

The Hon. I.K. HUNTER: Of course, Mr President. So this position being presented by Mr Marshall, back before he entered this place, outlines his personally lodged submission with Zero Waste SA. The Leader of the Opposition in that submission said: 'Compost SA believes that the levy should be higher than the proposed $55.'

The Hon. D.W. RIDGWAY: Point of order, Mr President: we had a disgraceful display yesterday and it is going on again today. Will you please direct the minister to answer the question. We have heard all about Mr Marshall. We want to know about earthquakes and buildings in New Zealand.

Members interjecting:

The PRESIDENT: Order! Everyone just desist. The minister will answer the question in the way he sees fit. But I will just say to the minister that we do need to get a little bit more directly to the answer. We really do not want 15 minute answers, because there are a lot of people who want to ask questions. So, minister, go ahead.

The Hon. I.K. HUNTER: Indeed, Mr President, but it is fitting, I think, that the opposition, in asking this second question today, do get chapter and verse on this and I intend, with your indulgence Mr President, to give them a bit more information. The submission has also called for greater funding for the EPA and for investment back into the industry, which of course is what we are doing. South Australia's waste levy is being brought in line with that of New South Wales. New South Wales are so proud of their waste levy and their policy that they are out there broadcasting it today on social media, about how impressed they are with our state government's policy, which will be unveiled in the budget tomorrow, and how it links very closely with their own policy.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Mr Marshall has advocated for the levy to be extended to other forms of waste as well, I understand. This is something he hasn't told South Australians; he hasn't told South Australians about that plan. If appropriate at some time, we might dig that document out of the files as well, out of the archives, to show what his big plans are for applying a levy across all waste streams.

I believe Mr Marshall has 'fessed up by going quiet. He is not out there in the media today. He has stopped being everything to everyone today, because he knows that he has been caught out, caught out saying one thing to one part of the community and saying or doing another thing when he was talking to another part of the community. He should listen to his colleagues in New South Wales, who have said of their levy, 'the Waste Levy is the NSW Government's key market-based instrument for driving waste avoidance and resource recovery to meet the State's recycling targets.'

Those are the wise words of New South Wales then Liberal minister for the environment, Ms Robyn Parker. Wise words, because they know as we do that extra investment in industry means extra jobs and extra protections for the environment. We have committed, as I outlined yesterday, that every extra dollar raised by this increase will be reinvested into our community, into the environment protection sector, into industry, into local government and into climate change actions.

The Hon. J.S.L. Dawkins: After five minutes, are you going to have a look at the answer?

The Hon. I.K. HUNTER: Well, I have plenty more, but if you want to go to another question, I am quite happy, Mr President.

The PRESIDENT: I think we've got the drift. The Hon. Mr Lucas.

COMMISSIONER OF POLICE

The Hon. R.I. LUCAS (14:36): I seek leave to make an explanation before directing a question to the Minister for Police on the subject of the police commissioner.

The Hon. J.M.A. Lensink: Waste of time.

The PRESIDENT: Order! The Hon. Mr Lucas is on his feet, and he has the floor.

Leave granted.

The Hon. R.I. LUCAS: The Commissioner for Public Sector Employment's guideline on gifts and benefits issued in March 2014 says in part:

> It is therefore unacceptable for a public sector employee…for a family member or associate of a public sector employee, to accept a gift or benefit, from a third party as acceptance has the potential to result in an actual, potential or perceived conflict of interest between the role and duties of a public sector employee and their pecuniary and other personal interest.

That guideline from the commissioner also defines gifts in the following terms:

> Gifts include 'free' items or hospitality exceeding common courtesy that are offered to an employee in association with their work. They may be enduring or consumable. They range in value from nominal to significant and may be given for different reasons.

It then lists what might be included as gifts and amongst that includes manufacturers' samples and clothing as gifts.

The SAPOL gift register reveals a range of gifts that have been provided to the commissioner, and assistant commissioners as well. They range, for example, from the nominal $27 gift provided to a senior police officer for a book on Austin, Texas, through to, in May 2016 free accommodation to the value of $1,000 provided to commissioner Stevens to attend The Queen's 90th birthday celebrations in the United Kingdom. However, that reference in May 2016 in the gift register makes no mention of the borrowing or use of an expensive dress from a local business in exchange for promotion of that business on social media. My questions to the minister are:

1. Why is there no inclusion in the SAPOL gift register for May 2016 of any reference to the borrowing and use of this particular dress?

2. If other senior police officers or their partners borrow and use expensive items of clothing from a business, are they required to declare that to the Commissioner of Police or declare that in the SAPOL gift register?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39): I thank the Hon. Mr Lucas for his question. He asked a similar question yesterday regarding the use of a dress that has been suggested to have taken place. I took that question on notice and that is now going through the process for information to be gained from SAPOL, and more specifically the commissioner's office, so I would have thought the question that he has asked today may be addressed through that process that commenced yesterday.

But I have to say, in light of the fact that this is now the second time that the Hon. Mr Lucas has asked questions of this nature, I am starting to wonder exactly what he is implying. I think all of us—well, I would have hoped all of us—hold our police commissioner in high regard. I certainly hold our police commissioner in high regard. I think he is doing a good job in an incredibly important office. One of the important principles that I think exists around policing generally is respecting the integrity of that office.

Clearly, members in this place, as is their right, are able to ask questions of what are appropriate actions, and people who are in high public office should indeed be held to account, but I would simply hope that by persisting with a line of questioning before more information is revealed that the honourable member is not attempting to call into question the integrity of anybody. I am not suggesting that he is doing that, but I would think he is starting to get awfully close, and I would very much hope that there is no intention on behalf of the Hon. Mr Lucas to do anything that would be calling into question the integrity, I think, of a fine public servant here in the state of South Australia.

I have committed to take the question on notice yesterday. I will endeavour to make sure that if information comes back that is appropriate to be shared that it is done so, but I would just note that if this line of questioning were to persist in such a way that would be seeking to undermine the public confidence in an important office, that that would be something I would be incredibly concerned about.

COMMISSIONER OF POLICE

The Hon. R.I. LUCAS (11:41): A supplementary question arising out of the minister's answer: given that the minister has chosen not to take the question simply on notice and to provide some additional comment, can the minister now indicate whether he believes it is incumbent upon

the Commissioner of Police and all police officers to follow the Commissioner for Public Sector Employment guideline on gifts and benefits?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:42): Of course, if the Commissioner for Public Sector Employment has put in place guidelines that apply to the public sector writ large, then of course I would have thought it would be everyone's expectation that it is complied with, but I'm not aware of any suggestion that that has not been the case.

INGKATJI, MR K.

The Hon. T.T. NGO (14:42): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister tell the chamber about the contribution to language, the arts and South Australian society from a significant Aboriginal elder, Mr Ingkatji?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): I thank the honourable member for his question and his interest in Aboriginal affairs generally and as the chair of the Aboriginal Parliamentary Lands Standing Committee. It is with great sadness that I advise members the chamber that Mr Gordon Ingkatji passed away last month at his homeland, David's Well, between Pukatja and Umuwa on the APY lands.

I would like to say a few words to honour one of the special Pitjantjatjara men who became renowned for his skill in language, music and art. As is the cultural protocol, I will respectfully refer to him as Kunmanara, after having been given his family's permission to name him at the start of this contribution. Kunmanara was a remarkable person and became a very good friend and teacher of mine. On visits to the APY lands I was privileged to spend a great deal of time with Kunmanara, often catching up with him three to four times on each visit, at his home at David's Well, at the Ernabella Arts Centre or at the local footy game. My family and I would often catch up with Kunmanara when he was in Adelaide.

Kunmanara was born in about 1930 at Aparatjara, between Kanypi and Pipalyatjara, and his family moved to Ernabella Mission in 1937. He recalls his first memory of meeting a white fella for his family to exchange a dingo scalp for a bag of rations. It is a phenomenal link to our past that has been lost where we had a man alive up until a couple of months ago who predated European contact. He can remember his first contact with a white person. He was one of the very first children to attend the Ernabella Mission school which opened up in 1940. On leaving school, he worked in the office at Ernabella with Bill Edwards, the superintendent throughout the 1950s. Kunmanara was among the first group of Pitjantjatjara people to be baptised at Ernabella in 1952.

He later became a church elder and played a leading role in the Ernabella church throughout his life. Kunmanara was instrumental in the early days of the Ernabella Mission, working in the office and store and becoming involved in teaching the Pitjantjatjara language to staff in translation work and in the early production of Pitjantjatjara language literature. He was the first teacher of the Pitjantjatjara language to the mission teachers at the Ernabella school. When the Pitjantjatjara language summer schools commenced at the University of Adelaide in 1968, Kunmanara worked as a teacher there.

When the Pitjantjatjara language was introduced to courses at the Torrens College of Advanced Education in the 1970s, he was, again, involved in course preparation and teaching. Kunmanara dedicated much of his life to ensuring language thrived. In fact, I know he regularly laughed at me and corrected me when I tried to speak Pitjantjatjara and mangled words. He sorted me out and tried to gently show how they ought to be said. It was fitting that in 2005 Kunmanara was made an honorary fellow of the University of South Australia in recognition of his substantial and continuous support to the university in Indigenous education.

Kunmanara was a choirmaster with the Pitjantjatjara choir. He was the leading tenor of the choir that went in 1954 to Adelaide to see Queen Elizabeth and again, in 1956, when they sang in the presence of the Duke of Edinburgh at the opening of the John Flynn church in Alice Springs. Other tours that Kunmanara was involved in include Melbourne, Adelaide, regional centres, Fiji, and

Sydney a number of times. He has been largely responsible for a resurgence of interest in the choir in recent years, training and conducting the choir on visits to Alice Springs and sharing this role during visits to Adelaide in 2004 for the Adelaide Festival of the Arts, and then again, very recently, in March this year, where he led the Pitjantjatjara choir singing at the WOMAD festival.

I was lucky enough to see the performance of the Pitjantjatjara choir at WOMAD and gently teased Kunmanara afterwards. Every member of the choir was dressed in a red T-shirt, except Kunmanara, who needed to stand out in a white shirt and a tie, but having been involved with the choir since the 1940s, he had really earned the right to do that. Kunmanara was an accomplished artist. He first painted in Nyapari in 2007 and has been painting at Ernabella Arts since 2008. In 2015, Kunmanara was a finalist in the Telstra Aboriginal and Torres Strait Islander Art Awards. His entry in that award was acquired by the Museum and Art Gallery of the Northern Territory.

There was a particular story that he paints regularly, and it would have been towards the end of last year when I was in the Ernabella Arts centre as Kunmanara was explaining what his painting meant and what the symbols were. As he was halfway through explaining it to me, my phone rang—being in Ernabella, it is the only community on the lands that currently has phone coverage—and I looked at the phone, and it was the Premier ringing me. I was in a real dilemma: do I listen to this great elder explain his story that he was painting, or do I pick up my phone that the Premier was ringing?

I had to make a very quick decision, and I answered the phone and walked over to the other side of the room—it was just Kunmanara and I in the room—and talked to the Premier for three or four minutes. It was about getting the final stages of our Stolen Generations Reparations Scheme in order. I went and sat back down and, quick as a flash, Kunmanara said, 'So, you sort that policy out with the Premier?' He knew exactly what was going on.

His first solo exhibition, 'Let me tell you my story', will be opened at the Alcaston Gallery in Melbourne tomorrow night, a fitting tribute in NAIDOC Week. He had been working towards this special exhibition—his first solo exhibition—for many months, and he had already booked his airfare to attend the opening. Sadly, he passed away only very shortly after finishing his final piece for the exhibition. But tomorrow night it will go ahead and his daughter, Nyunmuti Burton, will attend Kunmanara's first exhibition. Paintings and ceramics will be displayed, telling the stories he so often painted. Kunmanara spent his life teaching people about Anangu language, law and culture. He was also a powerful Ngangkari—a traditional Anangu healer—who used his gift to heal and comfort many people throughout his life. He was a highly respected elder and will be dearly missed.

I last caught up with Kunmanara in late May on the APY lands at his home at David's Well. I spent most of Saturday morning in his lounge room where most of the time it just consisted of laughter. He was a great teller of stories and it was a real privilege to hear in his own words stories about his first contact with white people, helping to build the Ernabella mission, a little bit about women he had shared his life with and he reiterated the three most important things in life to him: kunga, papa and motocar—a woman to share your life with, a pet dog and your Toyota four-wheel drive.

I extend my condolences to his family. Kunmanara had 10 children, seven girls and three boys. He is survived by six of those children, 13 grandchildren and many great-grandchildren, quite a number of whom I have had the pleasure of meeting. Today I am honouring Mr Ingkatji. He was a strong man and a generous man. He taught many with great love. He was a great friend and teacher to me and took good care of me. Today I am thinking of his family, his friends and all of those Anangu as they grieve.

Ngayulu kuwari wati panya Mr Ingkatji-nya walkuni. Paluru panya wati kunpu, wati munytja munu paluru Anangu uwankara wirura nintilpai mukulya wirungku. Paluru malpa wirungku ngayunya nintilpai mununi atunymara kanyilpai. Ka ngayulu kuwari kulini palumpa walytjapiti, palumpa malpa tjuta munu Anangu uwankara kulukulu nyura tjituru-tjituru nyinanyangka.

The PRESIDENT: I imagine Hansard will want that.

ILLICIT DRUGS

The Hon. D.G.E. HOOD (14:51): I seek leave to make a brief explanation before asking the Minister for Police a question regarding a recent report of the increased use of illicit drugs in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: A report released last month has again highlighted the ongoing problem of illicit drug use in South Australia. The report was widely published, including in *The Advertiser*, and it revealed that illicit substances have grown in their usage quite substantially, particularly as data shows a spike in use over the weekends as it so happens. The report is based on a study conducted on wastewater treatment plants and the testing of the water therein, confirming the use of methamphetamines is substantially on the rise.

The study conducted by the University of South Australia has produced very substantial statistics, ranging right across the board in what was measured. In particular, it found that the average doses of methamphetamines had doubled from 150 per week in December 2011 to 300 per week in December 2015 per 1,000 people measured. Project leader and UniSA director, Dr Cobus Gerber, stated: 'As confirmed by the study, ice is by far the biggest and most commonly used.'

'Describing the comparison of methamphetamine to the use of cocaine,' he said, 'is akin to comparing Mount Lofty to Mount Everest.' There are also statistics showing the percentage of drug use in areas of different socio-economic status, as well as a range of other statistics, but underscoring this data is the fact that the use of illicit substances is increasing across the board. My questions to the minister are:

1. Will the government sponsor more of these studies or similar studies in order to improve our understanding of illicit drug use and provide a basis for combatting its use and distribution?

2. How will the government and police intervene in order to hamper the production and distribution of these drugs, in particular methamphetamines and ice?

3. What measures are in place to target the users and indeed the manufacturers of such substances?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:53): I would like to thank the Hon. Mr Hood for his question. Crime and disorder within the community is often influenced by illegal drug use. It is something that is of significant concern to myself as police minister but I think, more importantly, is of great concern to SAPOL generally. Statistics regarding drug use within our community, and it is not just exclusive to South Australia but it is a problem that certainly South Australia is not immune from, is something that is of substantial concern.

SAPOL works to minimise the harm of drug use through the investigation and disruption of the manufacture, cultivation, trafficking and supply of illicit drugs and also the possession and use of illicit drugs. SAPOL already engages proactively with and through community awareness programs and education campaigns which identify the law and criminal consequences associated with illicit drug use. They also conduct community awareness and education campaigns regarding the consequences in terms of people's health and the like, so I am advised.

SAPOL's commitment to tackle illicit drug use is evident by the illicit drug strategy, which is still in place and works in partnership with SA Health. In 2014-15, SAPOL ran a number of target operations which were aimed to disrupt drug-related activities, including Operation Atlas, which was aimed at amphetamine-type stimulants. The results to 30 June last year included 456 arrests; 24 reports; the seizure of 8.4 kilograms of methamphetamine and 13,924 ecstasy tablets, which is an incredibly large number, obviously; and the detection of 62 clandestine laboratories.

There was also Operation Mantle, which aimed at addressing street level drug users and traffickers. I am advised that that resulted in 438 arrests; 414 reports; and seizure of 4,053 cannabis plants, 293 kilograms of dried cannabis, 1,390 grams of amphetamine, 6,001 ecstasy tablets and $719,906 in cash. There was also Operation Deluge, which disrupted a major cannabis distribution

ring operating throughout South Australia, the Northern Territory and Western Australia. There was also Operation Aedile, which was to dismantle a suspected cannabis growing syndicate.

SAPOL works closely with Australian customs and border police and the Australian Federal Police to stop the importation of drugs and precursors. SAPOL has increased the targeting and amount of drug driving tests conducted around the state, which is an important component of detecting drug use and making sure that people who drive cars while using are held to account as a consequence.

SAPOL has been involved in the National Ice Taskforce. That handed down a number of recommendations late last year, and a number of those recommendations are of significance for SAPOL, and I am advised that SAPOL is working through these.

This just gives the chamber a flavour of the work that SAPOL is undertaking to address the issue of illicit drugs on a number of levels. There is the street level but, of course, there is the back-end operation level, with SAPOL's targeted intelligence-based policing efforts to try to crack down on those people who would seek to manufacture these illicit drugs and distribute them in the community in such a way that grossly undermines community safety.

It is something that I commend SAPOL's incredible efforts on. I applaud the success that they have had so far in trying to address the issue and indeed the seizure of much of this illicit material, which has prevented it from going into the hands of people within our community, particularly young South Australians, and I wish them all the best in their endeavour to continue that hard work into the future.

PRISONER SUPPORT AND TREATMENT

The Hon. S.G. WADE (14:58): I seek leave to make a brief explanation before asking the Minister for Correctional Services questions in relation to mental health patients in correctional facilities.

Leave granted.

The Hon. S.G. WADE: A family member of a person with mental health issues has sought the assistance of one of my lower house colleagues. I am advised that the mental health patient is an adult woman who has been held in the state's Women's Prison in relation to a traffic matter on which she had been declared unfit to plead. My questions to the minister are:

1. Can the minister explain why a person declared unfit to plead would be held in the Women's Prison?

2. Is it normal practice for a mental health patient who has been declared unfit to plead to be held in a correctional facility when forensic mental health facilities are full and, if so, how often does that happen?

3. How many other people who have been declared unfit to plead are currently being held in the state's correctional facilities?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:59): I thank the honourable member for their question. I am familiar with the inquiries that have been made by the member for Bragg, the member for Bragg's inquiries.

Part 8A of the Criminal Law Consolidation Act 1935 deals with mental impairment, including the making of supervision orders and limiting terms. A defendant committed to detention under this part is referred to as a forensic patient and is placed into the custody of the Minister for Mental Health and Substance Abuse. A forensic patient is ordinarily detained to a secure mental health facility such as James Nash House; however, the Minister for Mental Health and Substance Abuse has the power, under section 269V of the act, to determine that the forensic patient be placed in a facility run by the Department for Correctional Services.

Persons detained in a prison in the above circumstance can present significant challenges to the department due to their multiple and complex needs. Often, the persons detained have a cognitive disability (such as an intellectual disability or an acquired brain injury) and/or psychiatric

disability that heightens the risk to the person whilst in custody. As of 29 June this year, I am advised that there are 15 such forensic patients currently in the custody of DCS. The number of forensic patients within DCS does fluctuate from time to time.

Despite the challenges, the Department for Correctional Services remains committed to a collaborative approach with the Forensic Mental Health Service in relation to the management of forensic patients and the implementation of appropriate transition planning. All forensic patients are regularly reviewed by the visiting psychiatrist. The service works in conjunction with the department and the South Australian Prison Health Service.

There are also cross-agency meetings and an oversight committee which was established to improve the coordination and delivery of services to forensic patients who are in the custody of the Department for Correctional Services. This committee includes representation from Department for Correctional Services, the Forensic Mental Health Service, the South Australian Prison Health Service and the Office of the Chief Psychiatrist.

The PRESIDENT: Supplementary, Hon. Mr Wade?

PRISONER SUPPORT AND TREATMENT

The Hon. S.G. WADE (15:02): I thank the minister for his answer. I appreciate the minister may need to take this supplementary on notice, but if I understood the minister's answer, the Minister for Mental Health and Substance Abuse issues an order under the Mental Health Act which allows the person to be detained in a correctional facility. My question is: do the collaborative discussions that the minister referred to occur before that order is issued and therefore the order is issued with the consent, for want of a better word, of the Department for Correctional Services, or is that a matter for the Minister for Mental Health and Substance Abuse to use personal ministerial discretion?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): I thank the honourable member for his supplementary question. That question is best directed to the responsible minister, which is the Minister for Mental Health and Substance Abuse. I will have to take that on notice and refer it to the responsible minister in the other place for a response.

PRISONER SUPPORT AND TREATMENT

The Hon. S.G. WADE (15:03): Supplementary: could I ask that the minister reflect on that as well? It may well be that his department might be able to tell us what the dynamics are. I appreciate that it is a legal matter, but in terms of practice it might well be that there is consultation with the minister's sentencing unit, or whatever it is.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:03): That is a reasonable ask; I will make those inquires. I would have a degree of confidence that that may be the case, but rather than me answer on a whim, let me take that on notice and I can come back with some more specific information.

PRISONER SUPPORT AND TREATMENT

The Hon. K.L. VINCENT (15:03): A further supplementary question, Mr President: what is the average length of stay in James Nash House, and is there an aim to limit the length of stay? Is there an ideal period of time that a person would stay? Also, when the minister says that forensic prisoners have their needs 'regularly reviewed', how regularly is 'regularly'?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:04): Again, that falls under the responsibility of the Minister for Mental Health, so I will have to take that on notice and seek a response from the responsible minister in the other place.

ADELAIDE DESALINATION PLANT

The Hon. J.S. LEE (15:04): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about the desalination plant.

Leave granted.

The Hon. J.S. LEE: In March this year the minister commissioned an independent cost-benefit study to determine whether water from the Adelaide Desalination Plant should be used to boost irrigation allocations during times of low water availability. The study was conducted by one of Australia's leading natural resource economic consultancies, Marsden Jacob, and it has been reported that the desalination plant is too expensive to top up water allocations for Riverland irrigators.

Renmark Irrigation Trust Presiding Member, Peter Duggin, stated to ABC that 'there is still a great deal of fear in our community and we have not actually fully recovered from the previous drought'. It was reported that findings from the cost-benefit study will help inform longer-term state policy on how allocations and costs could be shared between different water users. My questions to the minister are:

1. With the Riverland irrigators still recovering from the previous drought, and with the study indicating that water from the desal plant is too costly, how does the minister intend to allocate enough water for South Australian irrigators?

2. What costs were involved by the state government to commission the independent study conducted by Marsden Jacob?

3. With the independent report finalised, what recommendations will the minister implement to ensure water allocations are beneficial and cost effective to our water irrigators?

4. Under what circumstances would the desal plant be used, and what are the government's trigger points?

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 her most important question. As I have previously announced, the government has commissioned an independent cost-benefit analysis on the potential use of the Adelaide Desalination Plant to offset reductions in allocations to irrigators. The study was in a direct response to feedback from the irrigation industry stakeholders during consultation by the SA Murray-Darling Basin NRM Board on the River Murray Water Allocation Plan.

The cost-benefit analysis was undertaken by Marsden Jacob and drew on cost information supplied by SA Water and verified by the Essential Services Commission of South Australia (ESCOSA). The study confirms that producing water from the desalination plant would not be a cost effective way of boosting allocations for irrigators at the current market price for water.

This reflects the fact that the plant was built to provide water security for urban use in Adelaide during drought. Such a policy change would be of net economic benefit only when River Murray water allocation prices are greater than the marginal cost of running the ADP. The lowest incremental cost of running the ADP, I am advised, is $510 per megalitre, which occurs in years when SA Water has high demand from the River Murray.

However, average River Murray allocation prices are unlikely to reach this minimum threshold level in 2016-17, I am advised, and are more likely to fall within the following ranges: $250 to $300 per megalitre when end-of-year irrigation allocations are around 80 per cent; $300 to $350 per megalitre when end-of-year irrigation allocations are around 60 per cent; and, $350 to $375 per megalitre when end-of-year allocations are around 40 per cent.

While it has not been possible to reliably forecast allocation prices when end-of-year allocations are at 10 or 20 per cent, allocation prices are not expected to repeat the peaks of $560 per megalitre of the millennium drought. Although the study confirms that it is not economic to run the desalination plant to boost allocations for irrigators this water year, the state government is committed to exploring other options for factoring the plant into River Murray water allocations for 2016-17 and beyond. That further work will be undertaken to examine the best way to share water between River Murray users, given the water security provided by the desal plant to water users in the City of Adelaide.

RENEWABLE ENERGY

The Hon. G.A. KANDELAARS (15:09): My question is to the Minister for Climate Change. Will the minister inform the chamber about the latest research demonstrating the correlation between growth in the renewable energy sector and job creation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09): I thank the honourable member for his most important question. I have in this place previously spoken many times about the importance of renewable energy from both an environmental and economic point of view.

I am advised that almost a quarter of a trillion dollars each year is invested in renewable energy, a sector that employs almost eight million people globally. Here in South Australia we know that thousands of jobs have been created through the renewable energy sector, many of which are in regional areas of our state. It is fantastic now that we have modelling that shows the potential job creation within the renewable energy and associated sectors for Australia, broken down by jurisdiction. A landmark report by Ernst & Young and the Climate Council finds that building 50 per cent renewables by 2030 will create almost 50 per cent more employment than our current trajectory, or around 28,000 jobs nationally.

This is great news for South Australia especially considering we already generate about 41 per cent of our electricity from renewable energy. We were the first state in Australia, of course, to commit to 50 per cent renewable energy by 2025, and that is five years earlier than the modelling used for the Renewable Energy: Future Jobs and Growth report. Ernst & Young's state-of-the-art modelling finds that every state and the economy as a whole comes out ahead by achieving 50 per cent renewables. It argues what this state government has long argued, that we need a nationwide commitment, a long-term approach to managing renewable energy and infrastructure to create the necessary certainty and growth in the sector.

This will create jobs in the construction, operation and maintenance of renewable energy installations as well as in related industries. Most states will see half of all new jobs created in rooftop solar PV, according to the report, an area where South Australia is already leading the nation. Importantly, many of these jobs will be created in regional Australia and, unlike other industry transitions which have seen many jobs move offshore, a transition to 50 per cent renewables will create jobs in Australia.

Tomorrow I am attending the energisation of the first of the Hornsdale Wind Farm stages near Jamestown. It marks an important step in the regeneration of renewable energy projects after the devastating attacks from the Abbott/Turnbull governments. The project has seen up to 250 construction jobs created and will have 10 ongoing jobs. That is good for the local community. Neoen, the energy company behind the wind farm, has committed to investing $40,000 per year per stage over the project into the local community, and for landowners who are part of the project, they receive an on-farm income that is not dependent on the climate, receiving payments even in times of drought.

The transition from fossil fuels must be planned well. The report estimates that job losses in coal-fired electricity generation are more than compensated for by increased employment in the renewable energy sector. This is good news for South Australia because the report estimates that around 3,600 jobs will be created in our state, meaning that on a per capita basis South Australia is likely to experience the greatest net growth in jobs, around four times the number of jobs per capita compared to, say, Victoria.

We now have modern, independent modelling that confirms that renewables can become the new economic powerhouse for South Australia. We still do not seem to have the one thing that will help us to capitalise on these opportunities however, and that is strong national leadership on fighting global warming and growing the renewable energy sector. As Ms Kirsty Albion, the National Director of the Australian Youth Climate Coalition, said in a media statement released on 20 June:

> The government is still not telling Australians its renewable energy goal for 2030 and is taking Tony Abbott's low pollution reduction targets to the election.

The Prime Minister has been trying to cover up this lack of ambition by rebranding existing clean energy money.

South Australia is committed to strengthening our economy while at the same time seriously tackling global warming, but we do need strong leadership federally to ensure a future we can all be proud of. We can only hope that the outcome of the election on Saturday, whatever the outcome, that whoever ultimately forms government has heard the people of Australia speak in relation to climate change and renewable energy and will adjust their policies accordingly and move to a bipartisan, long-term commitment to tackling climate change, and the renewable energy sector will prosper.

COAL GASIFICATION

The Hon. M.C. PARNELL (15:13): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the environmental impacts of underground coal gasification.

Leave granted.

The Hon. M.C. PARNELL: Yesterday Leigh Creek Energy Ltd notified the Australian Stock Exchange that it is commencing drilling operations at Leigh Creek. Their project involves underground coal gasification which is an industrial process which converts coal into gases and liquids. Members might recall that Leigh Creek Energy was listed on the Australian Stock Exchange last year using the shell of the former Marathon Resources, a company that was mentioned often in dispatches in this place.

The underground coal gasification process was banned by the Queensland government on 18 April this year. The ban was introduced one week after the underground coal gasification company Linc Energy went into voluntary administration after being committed for trial for five counts of wilfully and unlawfully causing serious environmental harm. They were facing fines of $56 million. Queensland's environment minister, Steven Miles, said:

What we have in Hopeland near Chinchilla is the biggest pollution event probably in Queensland's history. The underground coal gasification projects in Queensland have leaked poisonous gases across the Hopeland community, contaminating their soils and water with toxic chemicals, such as carbon monoxide, hydrogen and hydrogen sulphide.

Queensland's natural resources minister, Dr Anthony Lynham said:

The potential risk to Queensland's environment and our valuable agricultural industries outweigh any potential economic benefits from this particular industry.

The three sites in Queensland are now being completely decommissioned and the Queensland government's policy to immediately ban underground coal gasification will be introduced as legislation by the end of the year. My questions of the minister are:

1. As Minister for Sustainability, Environment and Conservation, what steps are you taking to prevent an environmental disaster from occurring in South Australia as a result of underground coal gasification projects?

2. Will the South Australian Labor government follow the lead of the Queensland Labor government and ban underground coal gasification 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) (15:16): I thank the honourable member for his most important question. The development of oil and gas resources is part of the South Australian government's economic priority to unlock the full potential of South Australia's resources, energy and renewable assets. It is important that these oil and gas developments progress in ways that balance with the needs of all water users and the environment. Community concerns exist in relation to exploration, development and production of gas from unconventional gas resources in the South-East of South Australia, and in particular there are concerns in relation to hydraulic fracture stimulation, also called fracking.

The Hon. M.C. Parnell: Different topic.

The Hon. I.K. HUNTER: Well, it is similar. As part of gas extraction.

Members interjecting:

The Hon. I.K. HUNTER: If you ask a question, you will get an answer. In response to community concerns, information sessions were held for the local councils and the broader community by the Department of State Development in conjunction with the Department of Environment, Water and Natural Resources, the Environment Protection Authority and the South East Natural Resources Management Board. These sessions provided a valuable opportunity to discuss community concerns and exchange information. In November 2014, the Natural Resources Committee of parliament started an inquiry, I am advised, into the potential risks and impacts associated with the use of—

The Hon. M.C. PARNELL: Mr President, point of order. I rarely take points of order but honestly the minister is reading in relation to unconventional gas extraction in the South-East when my question was about underground coal gasification at Leigh Creek, which is the other end of the state.

The PRESIDENT: Minister, if you would try to direct your answer to the question.

The Hon. I.K. HUNTER: Mr President, there are some general principles here and I am going to the general principles and canvassing the government's policy across the state.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: The honourable member does not like it, but that is tough, he will have to listen to the answer. The South Australian government provided submissions to the inquiry outlining the current regulatory approach to unconventional gas exploration. An interim report of the inquiry was published in November 2015 and indicated that the submissions had expressed that the make-up of the fracturing fluid is of great concern to many people. The final report is anticipated to be tabled in 2016 and will address some knowledge gaps in information received so far. At this stage, it is important to note that no fracking has been proposed in the South-East.

Now, moving on to regulation of petroleum, oil and gas and mining activities, South Australia has a thorough risk-based regulatory framework to ensure that any environmental impacts are avoided or minimised so that the sustainable development of these resource industries can occur. The Department of State Development regulates petroleum, oil and gas and mining activities under the Petroleum and Geothermal Energy Act 2000 or the Mining Act 1971 respectively. Oil and gas operations and mining developments are also subject to the requirements of other legislation, such as the Natural Resources Management Act 2004 and the commonwealth's Environment Protection and Biodiversity Conservation Act 1993.

Should a proposal be put forward, I am advised that all health and environmental risks will be addressed through existing processes for the environmental impact report and the statement of environmental objectives under the Petroleum and Geothermal Energy Act 2000. It will also entail extensive public consultation and will ensure that it is scientifically justifiable and that valid baseline work is developed and assessed. As key stakeholders, the Department of Environment, Water and Natural Resources and the Environment Protection Authority will be consulted by the regulator to ensure that environmental risks have been adequately identified and assessed and that appropriate mitigation strategies are in place to achieve acceptable environmental outcomes.

A framework providing an overview of water-related policies and legislative requirements for petroleum, oil and gas or mining activities is currently being developed and is due for formal consultation later this year, I am advised. This framework also outlines the responsibilities of petroleum, oil and gas and mining project proponents, the Australian government and various South Australian government departments involved in environment assessment and approvals processes.

The South Australian government welcomes the extension of the water trigger to shale and tight unconventional gas formations. It is important that all such developments progress in ways that do not impact on critical water resources, and of course any proposals to mine in South Australia

have to undergo a very thorough environmental assessment process before they are given the go-ahead.

NORTHERN ECONOMIC PLAN

The Hon. J.S.L. DAWKINS (15:20): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question regarding the possible inclusion of the Town of Gawler in the rollout of the government's Northern Economic Plan entitled Look North.

Leave granted.

The Hon. J.S.L. DAWKINS: Earlier this year, the state government announced its response to the impending closure of General Motors Holden manufacturing operations in South Australia with the launch of the Northern Economic Plan entitled Look North. Partners in this plan include local businesses and community organisations, as well as the local councils of the Cities of Salisbury, Playford and Port Adelaide Enfield. However, the Town of Gawler, which will be substantially impacted by the closure of manufacturing by GMH and the ensuing reduction in economic activity, has been excluded from this plan.

In response to this exclusion, the council has developed and forwarded a prospectus of economic opportunities for the Gawler region to the minister for his perusal. Subsequently, on 22 June this year, the Mayor, Ms Karen Redman, wrote to the minister querying why no state government funding aligned to the Northern Economic Plan will be offered to Gawler. I understand that council is still awaiting a response. Given this, my questions to the minister are:

1. Why has the Town of Gawler been excluded from access to funding associated with the Northern Economic Plan?

2. Has the minister considered the prospectus of regional economic opportunities provided to him by the Town of Gawler?

3. Will the minister commit to including Gawler in discussions relating to the rollout of the Northern Economic Plan and remove the restriction on the council receiving any funding from the NEP resources?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:22): I thank the honourable member for his important question and his very genuine interest in matters affecting Gawler and northern Adelaide more generally. He has been a strong advocate for the interests of Gawler as we look towards the end of Holden manufacturing vehicles in Adelaide at the end of 2017. I know he has agitated in this place previously about the Northern Economic Plan and the boundaries associated with that.

Inevitably, when you draw plans they have boundaries, as they must do when you have an area. If you had no boundaries, then what was available in your plan would then be available to the whole of South Australia. One does need to draw boundaries. I do accept, and I have had discussions with the Mayor of Gawler and the member for Light, who is a very strong advocate for the Gawler area as well.

Members interjecting:

The Hon. K.J. MAHER: A very, very strong advocate. He keeps winning the seat in the face of very strong opposition. The evidence before us is that he is the strongest advocate for Gawler, because he keeps winning the seat.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Minister, take a seat. The Hon. Mr Hunter.

The Hon. I.K. Hunter: Yes, Mr President.

The PRESIDENT: I can understand some interjection from this side of the chamber, but not from our side, when the minister is speaking. Do you understand? The honourable minister, will you continue with your answer.

The Hon. T.A. FRANKS: Point of order, Mr President: can you define why you consider the President of this chamber as on the side of the government?

The PRESIDENT: On this side.

The Hon. T.A. FRANKS: Thank you, Mr President.

The PRESIDENT: Thank you very much for that very important distinction, so you can get on with your answer, minister.

The Hon. K.J. MAHER: Thank you, the wise and independent President. As we were just discussing, the member for Light, as evidenced by the fact that he keeps getting re-elected, is almost by definition the strongest advocate for the area of Gawler. But on this, the Hon. John Dawkins and his good friend in the lower house, the member for Light, Tony Piccolo, both advocate strongly for Gawler.

When one has a geographical area, obviously there will be boundaries where people outside those boundaries are not included. I take his point, and he makes the point well that there are significant people who live in the Gawler council area and in other council areas that are contiguous to the Northern Economic Plan and the three council areas that are included that have already been and will continue to be affected by the slowdown in the auto industry and the eventual closure of Holden.

It was a suggestion, and a suggestion well made, by the Hon. Mr Dawkins previously that we include in communications people from Gawler when taking on board his suggestion. We did just that with the last tele town hall meeting. It was extended to Gawler, and I thank him for his suggestion. We certainly did take him up on that. In relation to the plan, I understand the office has received suggestions from the Gawler council and we absolutely and certainly will be considering those. As I said, we understand and accept that it is not just those three council areas but other areas that are affected.

There are a number of programs that apply statewide in terms of assistance for industry, but I know areas from Gawler and from the Barossa as well have gained access, but we certainly will very seriously consider any ideas that the Gawler council, the member for Light Tony Piccolo and others have about assistance we can provide to Gawler, particularly in the face of those people and those businesses that will be affected by the slowdown in auto manufacturing.

Bills

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Conference

The House of Assembly, having considered the recommendation of the conference, agreed to the same.

Consideration in committee of the recommendation of the conference.

The Hon. I.K. HUNTER: I move:

That the recommendation of the conference be agreed to

Motion carried.

Matters of Interest

ABORIGINAL LEADERSHIP

The Hon. M.C. PARNELL (15:29): This week is NAIDOC Week, a time to celebrate Aboriginal and Torres Strait Islander history, culture and achievements, and an opportunity to recognise the contributions that Indigenous Australians make to our nation. Today I would like to briefly acknowledge some of the Indigenous South Australians who are leaders in campaigning against the nuclear industry.

This week for the 2016 NAIDOC SA Awards, Enice Marsh was named Female Elder of the Year for her work preserving Aboriginal culture and language. Enice Marsh is an Adnyamathanha

traditional owner from the Adnyamathanha Camp Law Mob and, alongside her daughter, Dr Jillian Marsh, has been campaigning fiercely to protect their country from becoming the site for the federal government's nuclear waste dump.

Enice and Jillian Marsh have also been engaging with the South Australian Nuclear Fuel Cycle Royal Commission and were also centrally involved in the campaign to protect the Arkaroola Wilderness Sanctuary from uranium mining. In a statement, Jillian Marsh said:

> We want no further expansion of the nuclear industry and we will continue to fight for our rights as Traditional Owners in respect of the wisdom of our old people that came before us. That is what Traditional Owners do. We care for our country. We only wish governments and industries would do the same.

Jillian Marsh has been recognised internationally as well as locally, including the prestigious Jill Hudson Award for Environmental Protection in 1998 and the Nuclear-Free Future Award in 2008.

Another Adnyamathanha group is the Viliwarinha Yura Aboriginal Corporation. A key leader of the group is Regina McKenzie, who, with her family, lives at Yappala Station, which is right next door to the proposed nuclear waste dump site at Wallerbidina or Barndioota. Regina has been very vocal in opposition to nuclear waste being dumped on their country, much of which has been declared an Indigenous Protected Area.

Kevin Buzzacott, an Arabunna Elder and President of the Australian Nuclear Free Alliance, is another long-term campaigner against the nuclear industry. In response to the Royal Commission into the Nuclear Fuel Cycle, Uncle Kevin said:

> We will fight this industry across the country, whether it be the expansion of uranium mining or a nuclear waste dump. It is our cultural obligation and responsibility to care for our land. It's time the government and nuclear industry acknowledge and listen to us.

The Lester family—Karina Lester, Rose Lester, their parents Yami and Lucy Lester and their grandmother Eileen Kampakuta Brown—have been fighting the nuclear industry for generations. Uncle Yami Lester is a Yankunytjatjara Elder who, as a young boy in the 1950s, was blinded by a 'black mist'—fallout from the British nuclear tests at Maralinga and Emu Junction.

Yami was instrumental in gaining recognition and acknowledgement for the Aboriginal people who had been affected by the atomic tests. His campaigning led to the Royal Commission into British Nuclear Tests in Australia in 1985. Yami Lester was awarded the Order of Australia Medal in 1981 for service in the field of Aboriginal welfare. His daughter, Karina Lester, is the chairperson of the Yankunytjatjara Native Title Aboriginal Corporation and, along with her sister, Rose Lester, has been speaking out and sharing their stories about how Aboriginal people have been victims of the nuclear industry in South Australia.

Their grandmother, Eileen Kampakuta Brown, who, along with the Kupa Piti Kungka Tjuta, led the 'Irati Wanti'—which translates as 'The Poison—Leave It'—campaign against a proposed nuclear waste dump on their country. The campaign ran from 1998 to 2004 and was ultimately successful in stopping the dump. Sue Coleman-Haseldine is a Kokatha-Mula woman from Ceduna and is another nuclear test survivor. She is the co-chair of the Aboriginal-led Australian Nuclear Free Alliance and winner of the 2007 Premier's Award for Excellence in Indigenous leadership in natural resource management.

Although I do not have time to mention everyone from the Indigenous communities who have contributed, I do need to acknowledge Tauto Sansbury, who is a Narungga Elder from Yorke Peninsula. Tauto is the chairperson of the Aboriginal Congress of South Australia and has been a tireless advocate for social justice for Aboriginal people over 30 years. He was the National NAIDOC Aboriginal Person of the Year in 1996, the South Australian NAIDOC Male Elder of the Year in 2014, and a National NAIDOC Lifetime Achievement Award winner in 2015. As a member of the South Australian No Dump Alliance, he urges us to think about what the nuclear waste dump would mean for our children and for future generations.

I am delighted to acknowledge these contributions from Aboriginal South Australians in parliament today.

AUSTRALIAN DEFENCE FORCE

The Hon. A.L. McLACHLAN (15:34): It is my view that South Australia should be doing much more for the welfare of individuals who have left the defence forces and seek civilian employment. The principles of affirmative action must be extended to those who have served their country. Around 5,000 personnel leave the Australian Defence Force every year. Many in each cohort are unable to gain employment once leaving the services. While exact numbers are not easily to hand, best estimates indicate that the unemployment rate for ex-service personnel is higher than the state average. Many ex-service personnel mentally struggle with re-entering the civilian workforce. Robert Pickersgill, who served in the ADF for 23 years, told the Australian Broadcasting Corporation:

> You've gone from this mission of importance where everything counts towards preserving life, where you come to something else that's not as focused.
>
> Protecting one's life is the most focused you can get, whereas you're coming back to doing menial tasks.

In a submission to the Senate Standing Committees on Foreign Affairs, Defence and Trade, the Phoenix Australia Centre for post-traumatic mental health advised, 'The process of transition is a critical point in the military/veteran lifecycle and one which, if not managed well, may be the beginning of a downward spiral.'

Veteran unemployment is a prime causation factor for homelessness. In 2009, a homeless veterans' survey found 3,000 veterans were homeless throughout Australia. In Victoria, it is estimated that 8 per cent of the homeless population are veterans and, in New South Wales, 8 to 12 per cent. The RSL's submission to the Senate committee noted:

> Many veterans feel a disparity between the length and intensity of training to become a member of the ADF versus a two-day transition seminar provided when they leave the ADF.

The difficulty in gaining employment post service was demonstrated by a report in *The West Australian* this year. The report revealed that former service personnel are being advised to withhold emphasising their ADF career on their resumes. It is pleasing that the Western Australian government this year announced the Veterans Employment Transition Support (VETS) scheme to combat the employment issues many veterans face. This program involves ex-ADF personnel currently employed with the Western Australian Public Service mentoring those seeking to transition to the Public Service.

The New South Wales government has also implemented a program to assist retired veterans enter into the general workforce after retiring from the ADF. The Veterans Employment Program announced in 2015 by Liberal Premier Mike Baird seeks to recruit 200 veterans into the New South Wales Public Service by 2019. The New South Wales government established this program, recognising ex-service personnel possess a range of transferrable skills which are a valuable asset for the public sector.

I congratulate the Western Australian and New South Wales governments on these initiatives. It is disappointing that we do not have the same policies in this state. It is remarkable that this Labor government is unable to drink from the spring of compassion and assist those who have volunteered to risk their lives so that we may live in peace and affluence.

Post 9/11, the US Congress passed the Vow to Hire Heroes Act of 2011, recognising the higher unemployment rate for ex-service personnel. The act provides assistance with training and skills, as well as enabling service personnel to apply for civil careers while still in the service. The act also includes tax credits for businesses that employ ex-service personnel. In the US, several private businesses also have their employment program with the aim of hiring veterans. Coca-Cola has set itself the goal of hiring 5,000 veterans by 2018. Boeing has also employed 20,000 veterans.

Since 2010, Barclays, in conjunction with the United Kingdom Ministry of Defence and military charities, has implemented the Armed Forces Transition, Employment & Resettlement (AFTER) program. AFTER has assisted 3,500 ex-service personnel with transition programs to gain employment in the civilian workforce.

The South Australian government proudly proclaims we are the defence state. The rhetoric of the Labor government is hollow because it fails the very people who the defence industry works

hard to protect and serve, that is, the men and women of the ADF. It is shameful that we do not have any program to assist our ex-service personnel. We must do better. I call on the state government to act.

MENTAL HEALTH FUNDING CUTS

The Hon. T.T. NGO (15:39): I rise to speak about federal government funding cuts to mental health by not renewing National Partnership Agreements (NPAs) with the state government. I am left extremely concerned about the expiry of commonwealth funding across a range of important mental health programs on 30 June this year. It is my understanding that the Hon. Leesa Vlahos, Minister for Mental Health and Substance Abuse, has addressed the state's concerns to the federal mental health minister, the Hon. Sussan Ley, about the $20 million in funding that was cut from mental health services tied into the NPA.

The $20 million funding cut relates to two agreements: the NPA on Improving Public Hospital Services and the NPA on Supporting National Mental Health Reform. The state cannot afford to continue the entirety of previously federally funded programs, which provide for 64 new mental health beds and two community mental health services.

I commend minister Vlahos for intervening to save mental health community rehabilitation beds in Whyalla. The state government has recently announced $8.5 million over four years in this year's state budget to save some services that were scheduled to close on 30 June. The state government is also funding the 10 forensic mental health step-down beds at Oakden that were also impacted by these federal government cuts.

The state government is unable to cover all the cuts that the federal government has made. One of the cuts of particular concern to me is the severely reduced hours of the walk-in mental health service at Salisbury, which I am told is accessed by about 1,400 people each year. It is extremely concerning that the federal government does not see the value of providing an after-hours assessment service to people in Adelaide's north. This disruption in services will cause unnecessary pain and anguish to the most vulnerable people in the community. The Mayor of Salisbury council, Gillian Aldridge, is also extremely concerned about the removal of services in her community and has recently stated, and I quote:

> One of the staff members recently told me he walked eight young people in here in the last month. Eight young people who had someplace to go to get some support and help. What about, I'm concerned about domestic violence situations where a woman, or a man, I suppose, under extreme stress has actually no place to go.

The opposition often criticises the state government for not reducing waiting times and for the lack of services for mental health patients at emergency departments. However, services have improved, with the government investing over $300 million in recent years in response to Monsignor David Cappo's report Stepping Up—A Social Inclusion Action Plan for Mental Health Reform.

I can imagine how extremely disconcerting this issue of funding cuts has been for mental health consumers, staff and the entire mental health sector. It makes service planning very difficult, particularly with the need to maintain and attract appropriately qualified staff. The federal government has demonstrated its blatant disregard for the mental health sector in South Australia.

It was left to the state government to address most of the uncertainty surrounding this matter, and I commend minister Vlahos for her work in advocating for the majority of funding to be installed. I also congratulate her on her continued advocacy for the northern suburbs. I support her in her calls for the federal government to, at the very least, reinstate its commitment to the Salisbury walk-in service and show some support for the northern suburbs.

FAECAL MICROBIOTA TRANSPLANT SERVICE

The Hon. K.L. VINCENT (15:43): Today I would like to talk about Dr Sam Costello and the Faecal Microbiota Transplantation Service, or stool bank, which is based at The Queen Elizabeth Hospital. The service is currently being used to treat patients with recurrent Clostridium difficile infection.

Yesterday, I was lucky enough to host a briefing in which some MPs and their staff and other interested people were lucky enough to hear Dr Costello talk about the incredible cure rates that they

are achieving so far using people's donor faecal matter to treat Clostridium difficile (CD) infection. CD is the most common cause of healthcare associated diarrhoea and its incidence, and resistance to effective treatment via antibiotics has increased in recent years. This is a bacteria that causes severe diarrhoea, predominantly in patients who have had antibiotics in the past, so it really takes over the bowel in patients who have had their normal native bacteria killed off by antibiotics.

The organism expands into that ecological void, so to speak, so if you can imagine a depopulated forest. It frequently results in hospitalisation and even intensive care, and at worst, people needing their colon surgically removed. The emergence of hyper virulent strains has led to an increase in death and disability associated with CD in recent years. To cure this, the use of stool populated with healthy faecal matter results in a dramatic improvement in patients' gut microbiota. It is quite incredible.

So, what is a stool bank? It is a frozen repository of stool, and we now have one here in Adelaide down at The QEH. Similarly to blood bank donors, potential stool bank donors are screened with tests of both their blood and their stool, as well as interviewed to make sure the donor does not have a disease which could be transmitted via transplantation. If that is all clear, then they freeze the stool after processing and put it into aliquots that are in the freezer. These can then be drawn on later to be used as therapy.

Faecal transplant is the most effective treatment for that condition and there is also research going into using faecal transplant for a number of other conditions such as irritable bowel syndrome, autism, mood disorders, obesity, multiple sclerosis and metabolic syndrome, to name just a few. So far, Dr Costello and his team have treated 36 patients with a CD infection since the service was established in 2013. Since then, 70 patients have been in our trial of faecal transplant for ulcerative colitis, or 73 patients also during that time. Over 100 patients have received faecal transplant either for CD infections or in the trial setting.

It is really quite effective for CD. Once you have had a couple of courses of antibiotics attempting to treat the infection, you have a small chance that subsequent antibiotic treatments will work; these is only around a 20 per cent to 30 per cent success rate. Faecal transplant in that setting will give around an 80 per cent cure rate. People with CD often have such horrible symptoms, such as constant diarrhoea, feeling terrible, being unable to leave the house due to needing to use the toilet so frequently, and so on. After a couple of bouts, people are usually ready to try anything.

With CD, the deficit is really a lack of biological diversity within the gut, so you have lost your native good bacteria, and they provide resistance against the colonisation of pathogens. This really works by replacing that ecosystem and providing resistance to infection with this CD organism. The fact that this is full of bacteria, but good bacteria, is the reason it works. If you had a rainforest and cut it down, and you really need it to regrow, it would not be enough to put the seeds of one or two trees down. You really need to replace the whole ecosystem, and that is exactly what faecal transplant does. There are about 40,000 different bacterial species known to live within the gut, so it is replacing the whole lot with good bacteria.

In the coming weeks I will certainly be having a lot to say about the amazing benefits faecal transplants have and continue to bring to this state. I think when we talk about South Australia needing to become more innovative, this is the type of innovation we need to support, not only because it is innovation in the scientific sense, but it is quite literally saving people's lives. It is far cheaper to treat people with CD using the stool bank than it is via conventional antibiotic treatments or surgical interventions. This is certainly an innovation that Dignity for Disability is happy to continue to support until we see it properly established and funded in South Australia.

ARTS FUNDING

The Hon. J.M. GAZZOLA (15:49): In recent weeks, both Treasurer Koutsantonis and minister Snelling have announced funding and commitment to various arts projects. This further endorses Adelaide as a UNESCO City of Music, becoming part of the broader Creative Cities Network in December 2015. The network was established in 2004 in an effort to promote cooperation with and between cities that have identified creativity as a strategic factor for sustainable urban development.

The arts and creativity are increasingly becoming part of the core of our city. Daniel Cribb from TheMusic.com.au recently stated:

> It wasn't that there was a lack of talent in Adelaide, rather that the right creative industry support systems weren't in place. In the past, artists and industry folk would jump ship to Melbourne or Sydney in an effort to thrive, to escape the stigma associated with the state.

Things are changing in Adelaide. Over the past few years, there have been notable shifts in the musical, cultural and entrepreneurial elements in the city. Changes in regulatory framework have resulted in more artistic development and recognition.

The Elbourne report saw the establishment of St Paul's Creative Centre and the Music Development Office, which focuses equally on artists and industry development. I acknowledge minister Snelling, minister Maher and the Premier for their active support in these exciting ventures. The 2014 figures show that there were approximately 331 live music venues operating in South Australia. Total employment for making live music in South Australia was estimated at 4,100 jobs, which is around 6.3 per cent of the national figure. South Australian ticket sales for music events totalled $59.7 million, equating to 6 per cent of the national spend, and it is estimated that live music contributed $263.7 million to South Australia's economy. Today we heard from minister Snelling regarding the economic impact of the Adelaide Fringe.

Efforts have been made to reduce red tape, which has been a hindrance to the live music and entertainment industry in South Australia. The variation to the National Construction Code, allowing class 6 buildings to host live music, has reduced the start-up costs for new venues. The improvements to licensing regulations have relinquished the need to obtain entertainment consent provisions in order to host live music between 11am and midnight. I acknowledge minister Rau for these and further reviews being undertaken.

I also commend the leadership of the Premier, Jay Weatherill. Both the Premier and minister Snelling have been pilots behind much of the policy development and its application, recognising the value of music not only for the economic and employment benefits that they bring but also for the vibrancy that they are to the state and its capital. The recent announcements for the South Australian government to return funding to parts of the arts budget illustrate that the arts are significant enough to be an economic driver for South Australia. The Treasurer announced the news that the state government 'will spend $15.7 million over four years to continue to invest in South Australia's cultural capital'.

Projects set to take place include the $15 million laneway (Central Market to Adelaide Oval), and $35 million for the upgrade of Her Majesty's Theatre from a 970 to an approximately 1,540 seating capacity, and a new foyer to be built on adjoining land. The project is set to create up to 220 jobs for construction, plus additional employment gains in the arts following the upgrade. The extra seating capacity projects to attract around 50 extra performances per annum. Adelaide Festival Centre Chief Executive Douglas Gautier spoke on 891 ABC saying, 'We want to bring all of this work to Adelaide that we weren't able to bring before.' I also quote Lord Mayor Martin Haese:

> This investment has the potential to realise up to $70 million in economic activity and use local procurement to create new jobs.

Minister Snelling revealed Adelaide as the 2017 host of ShowBroker, a national performing arts touring market, bringing together performing artists, producers and presenters to meet colleagues and make connections and create opportunities.

With all of this activity Adelaide shall no longer be seen just as the Festival state, with features such as The Fringe, WOMAD, Adelaide Cabaret, etc., but the state will also own our UNESCO title of being the Creative Cities Network music city. The recognition from UNESCO is not solely about music as sustainable development. The UNESCO Creative Cities Network focuses on seven creative fields: music; craft and folk arts; media arts; design; literature; film; and, gastronomy.

Adelaide's food and wine regions and our film festival, Writers' Week, visual arts design and media were all included in our submission, and part of the task of the designation is to develop connections and collaborations with other creative fields. Collaboration between government, education, creative and private sectors are pivotal in developing the local music industry. I call on all

to appreciate the recognition our state has gained from UNESCO, and remind all that this sector must be supported to yield the social and economic benefits of a vibrant city of music.

STATE BUDGET

The Hon. R.I. LUCAS (15:54): As we are 24 hours away from the state budget I want to refer to the massive and significant number of examples of government waste, financial mismanagement and over-expenditure that occurs under the administration of Premier Weatherill and Treasurer Koutsantonis. There is a crying need in this budget for relief for struggling South Australian families from massive cost-of-living increases and also to reduce the costs of doing business for small and medium-size South Australian businesses so that they can employ and provide more jobs, in particular for young South Australians. South Australia leads the unemployment statistics, sadly, for every state and territory in the nation.

In looking at the ongoing examples of waste and mismanagement, it has been brought to my attention that again everyone's favourite CEO Kym Winter-Dewhirst, Mr Weatherill's CEO, the man who spent many hundreds of thousands of dollars renovating his 16th floor offices in the State Administration Centre and the man, with the approval obviously of the Premier, who spent $12,000 to employ a full production film company, 57 Films, so that he could produce an email to send to all of his staff within his department.

Gone are the days of the old CEO who was quite happy to press a button and send an email to the staff. Mr Winter-Dewhirst, with the full support of Mr Weatherill, was prepared to spend $12,000 of taxpayers' money to embark on that. Mr Winter-Dewhirst is well known as the man who, soon after he arrived, sacked a leading female executive in his department only to find that within weeks, having paid out between $200,000 and $300,000 in termination payments out of taxpayer funds, that that female executive was re-employed in another government department and agency in a senior managerial position. That makes no sense to anyone other than obviously Mr Weatherill and Mr Winter-Dewhirst.

We now find that two other senior executives within the Department of the Premier and Cabinet in the last two weeks have been sacked. Mr Paul Flanagan and Ms Adele Young have both been sacked, and we are advised that very significant termination payments have been made, in particular to Mr Flanagan. Mr Flanagan was only employed some 18 months ago without going to open advertisement and tender. It was a mate's appointment. Obviously, the mates have fallen out in some way and he has been terminated but, sadly, it is the taxpayers who end up having to pay the significant sums of money to replace Mr Flanagan. Nevertheless, the government will be happy because another Labor Party staffer, Mr Rik Morris, has had his position redesignated to assume some of the responsibilities of Mr Flanagan.

Yesterday, we saw two further reports from the Auditor-General, one on the sad tale of EPAS, a project which has blown out from $200 million now to $450 million. My colleague the Hon. Mr Wade and others have highlighted the financial mismanagement and incompetence associated with that. Sadly, we also saw the stunning Auditor-General report on the Department for Communities and Social Inclusion on concessions. *The Advertiser* leads today with the story that taxpayer money has been sent to 4,350 dead people, some who have been dead for as long as eight years.

Mr President, this is the sort of administration, this is the sort of financial mismanagement and incompetence that, sadly, your former colleagues who still sit in the ministry and minister Bettison, are presiding over. They are actually paying concessions to over 4,000 people, some who have been dead for as long as eight years. How anybody can justify that sort of financial mismanagement and incompetence defies comprehension.

Time does not permit going through all of the detail of the Auditor-General's Report and I am sure my colleagues at later stages will do so, but there is again reference in that in terms of those concessions that Mr Weatherill or Mr Koutsantonis approved a new software program called CASIS, which was going to cost $600,000. It blew out to $7.4 million and then they had to scrap it because it would not work. So taxpayers actually spent $7.4 million on a new IT program to try to manage these concessions and found out that it would not work and that we have now lost. They are now, you will be pleased to know, embarking on another one. Instead of CASIS they are going to develop

a new program called COLIN—a cost-of-living information system—but when we asked how much that will cost they said that they were still working on what the total cost of that will be.

RAPE CULTURE

The Hon. T.A. FRANKS (15:59): I rise today to speak on rape culture. 'Rape culture' is a term that was coined by feminists in the 1970s. It is a term that many of us know in our guts to be something that is true but we never knew how to define it until we had the words ‘rape culture’. It is one of those terms indeed that must be named so it can be ended. The term 'rape culture' shows us the ways in which society blames victims of sexual assault and rape and normalises sexual violence.

Every single day women, in particular, battle against rape culture. Whether it is Eddie McGuire joking about violence against women, whether it is receiving unsolicited dick pics online, whether it is listening to a song that has lyrics that trivialise sexual assault or just the eye rolls and sighs from people when I say the words ‘rape culture’.

Rape culture is asking, 'What did she wear, how much did she drink, why was she there, rather than, 'Why did they rape her?' Rape culture is using sexually violent images or similar innuendo to advertise and promote products. Rape culture is a complaint by a man that he has been put in the ‘friend zone’ by his woman, who was a friend, as if that is somehow something to be offended by. Rape culture is when Facebook says that the community standards of Facebook are not violated by threats against a woman to rape her or to kill her, but apparently breastfeeding is not acceptable.

Rape culture puts the blame on the victim, not where it should be, on the perpetrator. Rape culture is something that I wanted to bring and speak to in this chamber when I read the story, as many did across the world, of the case of Brock Turner, a young man who raped an unconscious fellow student at Stanford University and was given only a six month sentence. She woke up in hospital bruised and bloodied and confused, and wrote a 13-page letter to the world about how angry she felt, and I share her anger. That worldwide interest and anger was sparked even further when Brock Turner’s father had the audacity to say that six months was a high price to pay for what he termed, what his father termed as his son’s crime, as being somehow ‘20 minutes of action'.

As one person posted online at the time, the problem with this is we always judge a victim’s past and look to a perpetrators potential. Rape culture is the judge who sentences a rapist to a brief, or indeed non-existent, sentence because of their potential. Rape culture is also where a victim never gets their day in court.

One such victim is here in Australia. In New South Wales, some five years ago, on a northern coastal beach a young woman, a youngish woman, Lynette Daly, also known as Norma, an Aboriginal woman, was camping overnight with two males whom she thought were her friends. She died on that beach some five years ago. Her autopsy found that she died from blunt force trauma to her genital tract and had suffered horrific internal and external injuries after violent sexual acts. A forensic pathologist, who examined her, said the injuries that she sustained were more severe than those which occur in even the most precipitous childbirth.

Adrian Attwater and Paul Maris, the men who were also there that morning when she died, burned the mattress, the blood-soaked mattress, that she had been on. They burned some of her clothing before they called the police. Norma had a blood alcohol level at the time that showed there was no way she could have consented to sex. Her rapists were originally charged over the incident but the DPP failed to progress those charges.

Some five years later, it is only through a Coroner’s recommendation and a *Four Corners* program and many tens of thousands of signatures on an online petition that Norma’s family will finally see Norma get her day in court. Of course, they will never have Norma come home to them. They will never see her again. They have lost her life but at least they may now get justice. On 2 August those two men will finally face a day in court. Let me reiterate, rape culture is letting rapists get away with rape and rape culture is looking to the potential of the perpetrator not to the past of the victim.

In South Australia we do not have to look too far to see an Adelaide Uni case, where a young man, Scott Belcher, had the fact that he was dux in year 7 seen as part of his potential to minimise his sentence, and yet his victim, who was raped by him, had her university lecturers stand up in court,

not for her but for the perpetrator of her rape. That is rape culture here in Adelaide. Here in this place we can change laws, but we also need to start talking out against rape culture. We need to change the culture and strengthen the laws.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE: ANNUAL REPORT 2015

The Hon. G.A. KANDELAARS (16:05): I move:

That the report of the committee, 2015, be noted.

The Legislative Review Committee is pleased to present the committee's annual report for 2015. This annual report is the first annual report of the committee since November 1998. It is the committee's intention to report annually for the calendar year and that we intend to continue. The annual report provides information about the committee's inquiry into and consideration of regulations referred to the committee in accordance with section 10A of the Subordinate Legislation Act 1978 and the committee's inquiries into matters referred to the committee by the parliament.

In 2015, the committee inquired into and considered 259 regulations, 37 rules and 66 by-laws. The committee asked representatives of five Public Service agencies and two advisory bodies to appear before the committee to further assist the committee's inquiry and consideration of 15 regulations. The committee's inquiry into and consideration of regulations tabled in the parliament was assisted by delegated authorities providing the committee with a supporting report to a regulation that sets out matters, including the effect of each provision in the regulation, details about any consultation undertaken by the regulator before the regulation was made, and if the minister under which the regulation is made certifies an early commencement of the regulation under section 10AA(2) of the Subordinate Legislation Act 1978, the reason or reasons for the early commencement.

The committee expresses its gratitude to delegated authorities for continuing to provide the committee with supporting reports. Without the supporting reports, the committee would not be able to properly inquire into and consider regulations referred to it. The report also includes information about early commencement of regulations, rules and by-laws. In relation to regulations, the report found that 94.6 per cent of regulations tabled in 2015 commenced earlier than the four months provided under section 10AA(1) of the Subordinate Legislation Act 1978.

However, the report goes on to detail the range of reasons for this early commencement. These reasons include to increase fees and charges for the state budget, which accounts for 45.7 per cent of early commencement regulations; to correct an error, clarify a matter or resolve an inconsistency in regulations, 7.8 per cent of early commencement regulations; to pass on a benefit to those affected by the regulation, 8.6 per cent of early commencement regulations; for health and safety reasons, 5.3 per cent of early commencement regulations; to coincide with or support other legislative changes, 16.3 per cent of early commencement regulations. Importantly, while the number of regulations commencing earlier than four months provided for in section 10AA(1) of the Subordinate Legislation Act 1978 is high, further examination shows legitimate and acceptable reasons for the vast majority of regulations commencing early.

In relation to both rules and by-laws, the report found that rules and by-laws did not commence earlier than provided for, either by the act under which the rule or by-law was made or in accordance with section 10AA(1) of the Subordinate Legislation Act 1978. In relation to the committee's inquiry work, the annual report includes information on three inquiries conducted by the committee in 2015, including the committee's inquiry into the Sexual Reassignment Repeal Bill 2014 which was referred to the committee on 3 December 2014. The committee's report on this inquiry was tabled in the parliament on 12 April 2016.

The committee's review of its report into the Partial Defence of Provocation was tabled in both houses of parliament on 2 December 2014 in light of the High Court's decision in R v Lindsay. The review is ongoing. The committee conducted an inquiry into the amendment to the Births, Deaths and Marriages Registration Regulations 2011 to enable de facto relationships to be recognised on the register recording the death of a person's certificate. The committee is currently deliberating on this report.

In conclusion, I would like to acknowledge the work of fellow committee members: Ms Annabel Digance (member for Elder), who has just resigned from the committee: Mr Lee Odenwalder (member for Little Para); Ms Isobel Redmond (member for Heysen); the Hon. John Darley; and the Hon. Andrew McLachlan. I would also like to acknowledge the committee's hardworking staff: Mr Matt Balfour (committee secretary) and Mr Ben Cranwell (research officer). I commend the report to the council.

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

NATURAL RESOURCES COMMITTEE: PINERY FIRE FACT-FINDING TRIP

The Hon. G.A. KANDELAARS (16:12): I move:

That the report of the committee, on the Pinery Fire Regional Fact-Finding Trip, be noted.

On 25 November 2015, the Pinery area in South Australia's Lower and Mid North experienced a fast moving and destructive fire which resulted in sadly two fatalities and five other people suffering critical injuries. Many thousands of head of stock perished and hundreds of buildings and many pieces of farm machinery were destroyed along with significant areas of unharvested crops. It was a devastating day for the region and for the state as a whole.

On 2 March 2016, the Natural Resources Committee conducted an all-day field trip to the Pinery area. On the visit the Presiding Member, the Hon. Steph Key MP and committee members, the Hon. John Dawkins MLC, the Hon. Robert Brokenshire MLC, Mr Jon Gee MP and Mrs Annabel Digance MP and I, all viewed first-hand the aftermath of the destruction wrought by the fires and met face to face with impacted community members.

Accompanying the committee on the visit were Mr Steven Griffiths MP, the Hon. Tony Piccolo MP, Mr Adrian Pederick MP and Mr Stephan Knoll MP, and Matthew Werfel of the office of federal MP Mr Nick Champion. Fires do not respect lines drawn on a map. On the day of the Pinery fire both the Adelaide and Mount Lofty Ranges and the Northern and Yorke NRM regions were impacted. Consequently, after the fires, representatives of both NRM regions collaborated in responding to the fires, to the recovery effort and supporting this fact-finding tour.

Adelaide and Mount Lofty Ranges NRM Board Presiding Member, Professor Chris Daniels, and the Natural Resources Adelaide and Mount Lofty Ranges District Manager, Tony Fox, travelled with the committee on the day, providing background information and commentary. The Northern and Yorke NRM Board Presiding Member, Eric Sommerville; the Natural Resources Northern and Yorke Director, Trevor Naismith; and the Northern and Yorke Landscapes and Sustainability Manager, Craig Nixon, joined the tour on site. Other regional staff assisted by providing presentations and briefings at various sites during the day. Committee members heard that some of the farming techniques which have enabled growers to dramatically increase productivity, including no-till and low-till planting, also contributed to the fuel load and exacerbated the speed and severity of the fire, which burnt areas not previously considered high risk.

The committee heard that the fire has challenged people to rethink their practices and ideas. Conservation tillage practices are being reviewed. New combinations of techniques, some of them older 'back to the future' techniques, have been trialled across the fire area to reduce sand drift and topsoil loss, which is a major concern after the fires. Revegetation efforts are being made to create and restore shelter belts, as well as contribute to soil improvement. The committee also heard that, in this instance, pockets of native vegetation and, indeed, any vegetation higher or greener than annual crops or stubble, proved helpful in slowing the spread of the fire on the day.

The fire obviously impacted on the community deeply. This made the spirit of optimism in the region during the recovery all the more impressive and moving. The recovery effort has been supported widely by state and local governments and, importantly, by a great many individuals, volunteers and community organisations, with neighbours unhesitatingly lending support to each other, both during the fire and afterwards.

I commend the members of the committee; the Presiding Member the Hon. Steph Key MP, Mrs Annabel Digance MP, Mr Jon Gee MP, Mr Peter Treloar MP, the Hon. Robert Brokenshire and the Hon. John Dawkins for their contributions to this report. All members have contributed and worked cooperatively on this report. Finally, I thank the members of the parliamentary staff, Patrick Dupont,

the committee's secretary, and Barbara Coddington, the committee's research officer, for their hard work and assistance. I commend this report to the council.

The Hon. J.S.L. DAWKINS (16:18): I rise to endorse the remarks of the Hon. Mr Kandelaars in relation to this report. Very soon after the Pinery fire last year, I actually took the opportunity to traverse much of that area, largely on unsealed roads back and forth across that significant area. I was most concerned about the impact on the whole area, particularly in relation to the soil erosion issues that were extraordinarily apparent. I did ask a question of the Minister for Environment in this place soon after that about what could be done by NRM boards, and DEWNR in particular, to assist landowners in the management of the land in that area. I think in the last meeting of the Natural Resources Committee last year I did flag that I thought it would be appropriate for our committee to make a field visit to the area, so I was very pleased that on 2 March this year we were able to undertake a very valuable examination of the various parts of that region.

This is a region of South Australia that I know pretty well. I will not say I know every inch of it, but I know it pretty well. I suppose I was shocked initially, and continued to be shocked over a period of too many months, that not only the lighter country was drifting, which would quite often happen in drier times, but also that some of the heavier country that you would never expect to ever see drifting was drifting. I think many people who live in Adelaide have seen the results of all that with the number of extraordinarily dusty days that have impacted particularly on the northern suburbs of Adelaide and probably even further.

One of the things we saw that I think was a highlight of that trip were the innovative farming practices that have been undertaken by a number of land managers in that area to try to combat the long, dry months after the fire before any meaningful rain could provide enough moisture to stop the blowing dust. Some of those practices have actually seen a return to farming activities of many years ago, but they needed to do that to try to limit the erosion.

One thing the tour provided to all members of the committee, other members of parliament and some staff members who joined us for all or part of the trip was the extraordinary impact on people's livelihoods. The extraordinary loss of livestock, of fencing, of machinery and of buildings is something that I think we have all heard about, but it is still a stark reminder today if you go into that region to actually see that impact.

We were very grateful for the local residents, officers of local government, the two NRM boards and DEWNR for the work they did in giving us a broadbrush view of the various impacts across that region. I particularly want to make reference to the experiences that were given to us by Mr Peter Angus, who farms to the north-east of Mallala, and Mr John Bubner, who the Hon. Mr Lucas probably remembers playing league football. John Bubner farms immediately north of Wasleys. The fire had an impact on both of their families and their farming operations.

Those who were on those trips would never forget the accounts of the very close calls that in both cases their residences were in. In fact, in both cases, if it had not been for good fortune in one sense but some quick thinking in another, both of those houses would have been lost. I think also the impacts on Mr Angus's stud sheep enterprise and on Mr Bubner's significant private native vegetation reserve are great examples of how so many people were affected in different ways.

I thank the other members of parliament who took part in the visit at the invitation of the committee. A number of those members, as well as members of the committee, contributed to the debate in the House of Assembly earlier today. I recommend that members read *Hansard*, the contributions of local members who represent the communities that were hardest hit.

I just want to raise a couple of other points. In the contribution made by the member for Goyder in another place today and also in a submission to our Natural Resources Committee, there were some issues that I think may not have been completely front of mind after the fire but have been raised by members of his community. There are three points, and I will quote Mr Steven Griffiths:

1. Site distance at road intersections—the hazards of driving in the area during the fire day are well known to all of us, but the point was raised with me that with the devastation of the native vegetation on the road reserves comes the opportunity to support a policy of vegetation clearance of a distance of up to 100 metres on the roads approaching intersections to make them much safer for future traffic use. Sadly, the Mallala community (as with

others) has vivid memories of accidents that have occurred due to dense vegetation restricting vision distances. Admittedly, approaching such an intersection should be done cautiously, but it was suggested to me that the Natural Resources Committee should consider a position on the merits of a review of policy to ensure site distance safety.

I interpose that that is relevant for all parts of that Adelaide Plains region that have many intersections on unsealed roads, and many of those intersections are relevant to the point made by Mr Griffiths. I refer to his second point:

2. Fire breaks around townships—this was raised with me by Alan Helps, a fine man and retired farmer.

I will interpose here that I have known Alan Helps for many years and I could not agree more with the member for Goyder's description. Mr Griffiths goes on:

Alan understands the challenges of large, cleared buffer zones around townships as the theory is that it would take a significant amount of land out of production. Given how close the fire got to places such as Hamley Bridge—and I have to say that when I looked at Hamley the day after the fire I was just amazed that it was still there as the fire got so close to the edges of town—I do support it being raised with the committee for discussion.

Once again, I interpose that, in my criss-crossing of the Pinery fire region a few days after the fire, I was absolutely amazed that the town of Hamley Bridge survived. I will continue with Mr Griffiths third point:

Mallala-based farmer, Richard Konzag…raised concerns on the emergency services levy and seeking some type of short-term waiver for fire ground impacted property owners. I also raised this at the Angus farm visit that I attended in the afternoon.

I add that I understand from the member for Goyder's contribution today that the request to the Treasurer for some short-term waiver on the emergency services levy was not granted, which is a great pity.

While this is not in the bailiwick of the Natural Resources Committee, one of the significant issues that has been brought to my attention as a result of the impact of the Pinery fire is mental health. There are certainly many men, women and children in that community who have really struggled with the impact on the day, and also with the ongoing issue of the dust. I think, particularly over the long summer, the many days of blinding, choking dust that was in that region affected the mental health of many people. I have attempted to assist in that area, but I think this is one area of which we need to take ongoing notice.

Finally, the Adelaide Plains is a region that I know and love. A great man who had a similar love for that area was the late Mr Allan Tiller, who unfortunately died that day near the place where the fire started. He and I shared a love of the Adelaide Plains. I think we also recognised the fact that it is a great and resilient people who live in that region. In many ways, whether through the efforts of this committee in relation to vegetation issues or soil erosion issues, or other issues that can be addressed by the NRM, they need to be supported. They also need to continue to receive this support, which I think those in many of the areas will need for some time as a result of that fire. I commend the motion to the council.

The Hon. R.L. BROKENSHIRE (16:32): I rise today to support this important committee report. It is a tragic set of circumstances for all the families, farmers, residents and property owners of the Pinery region. Indeed, the fire front was one of the most intense and devastating that we have seen in our history, equal to that on Eyre Peninsula, which was one of the most intense and severe fires that we have seen since Ash Wednesday.

It was important that the committee went up there because the community needs the support of the parliament, government and anybody and everybody who can provide moral and social support. It is also important to make sure that work was being done on the ground. It is also important, as was identified by some of the farmers, that the commercial sector (that is, the insurance companies) do the right thing by these farmers and property owners and do what insurance is all about. They should support them as strongly as possible within the terms and conditions of their insurance expediently and without too much angst towards the property owners.

I commend Mr Vince Monterola for doing a sterling job as coordinator after the fires. I commend all the volunteers from the CFS and SES, other emergency services such as the police

and MFS, and the list goes on. I also commend departmental staff, SA Power Networks, Telstra and all the other organisations that did so much work to help get some sort of order into the communities devastated by these fires.

Whilst I strongly ask all the relevant ministers and their advisers to have a close look at this report, to look at the recommendations, to act on them, to be vigilant and to ensure that no stone is left unturned to help these communities, most importantly I encourage the communities to keep strong, to seek help where needed, not only from a financial and general support basis but if there are issues with their health (particularly their mental health), I encourage them to seek support as it is there, and there is nothing wrong with asking for some help when it comes to getting strong again in a mental health situation.

Fortunately we have seen good rains. I was up that way only a few weeks ago, and the crops are looking good. I believe that the crops will return better and stronger than most of the farmers anticipated. A lot of fencing is going on, a lot of repair work, and we need now for people to help with proper, sensible and planned tree planting programs and road vegetation programs. Amongst all the doom and gloom and toughness for these people, I hope we will continue to see a wet winter, a good, long wet spring and solid crop returns for these people and for the state.

I support the committee's report and I am glad the Natural Resources Committee, as one committee of the parliament, went up there to look at and support the community and subsequently make these recommendations.

The Hon. G.A. KANDELAARS (16:36): In conclusion, I thank the Hon. John Dawkins and the Hon. Robert Brokenshire for their contribution to this debate. Sadly, bushfires are a reality of living in the driest state in the driest continent. I think from our tour certainly some issues were raised (and the honourable members did raise it), and that is the need to look at the lessons to be learnt from this bushfire, particularly the intensity and speed of the fire, and some ways to try to militate against that in future. I commend the noting of this report.

Motion carried.

STATUTORY AUTHORITIES REVIEW COMMITTEE: MOTOR ACCIDENT COMMISSION

The Hon. J.M. GAZZOLA (16:37): I move:

That the report of the committee, on its inquiry into the Motor Accident Commission, be noted.

On 1 July 2015 the Legislative Council, on motion of the Hon. Mr Brokenshire, resolved for the Statutory Authorities Review Committee to inquire into the Motor Accident Commission. Until 1 July 2016, MAC was the sole provider of compulsory third party insurance in South Australia. CTP insurance provides compensation to people injured in a motor vehicle accident when the driver, owner or, in some instances, the passenger of a South Australian-registered vehicle is at fault.

In June 2014, the state government announced that MAC would cease to write new CTP insurance policies, and that the South Australian CTP insurance market would open to the private sector on 1 July 2016. Under the terms of reference the committee was required to consider the state government's proposal to privatise the CTP scheme and an alternative proposal that had been developed by the MAC Board for the state government.

During the course of this inquiry, MAC and the Department of Treasury and Finance claimed cabinet and commercial confidentiality over a number of documents that were pertinent to the committee's investigations. Therefore, the committee was unable to review the MAC Board's alternative proposal to privatisation and determine if it may have provided better outcomes for motorists and the state.

Six of the seven initial submissions to this inquiry opposed the state government's proposal to privatise the CTP insurance scheme. The submissions expressed concerns regarding the efficiency of a privatised scheme, insurer profitability, affordability of insurance premiums and the availability of ongoing funding for road safety initiatives. The committee notes that the Motor Vehicles Act 1959 enables the minister to invite interested persons to apply for approval as a CTP insurer. Therefore, in spite of concerns regarding these reforms, the state government was able to progress with its market reform project to open South Australia's CTP insurance market to the private sector

within existing legislation. After the inquiry commenced, the Treasurer introduced the Compulsory Third Party Insurance Regulation Bill 2015 SA into parliament to establish the South Australian CTP Insurance Regulator.

On 18 November 2015, on a motion of the Hon. Rob Lucas, the Legislative Council resolved as part of this inquiry for the committee to also investigate current regulatory arrangements and any proposed changes to those regulatory arrangements. Evidence provided to the committee indicated that an independent statutory regulator is crucial for the effective regulation of a privately underwritten CTP insurance scheme. In its report, the committee has recommended that the CTP insurance regulator develop mechanisms to promote transparency in the regulation of approved insurers.

From 1 July 2016, MAC is responsible for managing the outstanding CTP claims and liabilities as at 30 June 2016, and it will continue its role in road safety and as the nominal defendant. Notwithstanding the concerns regarding MAC ceasing its role as the state's sole CTP insurer no witness raised any concerns with the committee regarding those functions. The committee recognises that MAC undertakes an important role in promoting road safety and the committee's report includes a recommendation for MAC to report to the committee in one year on its road safety expenditure. The committee has also recommended that MAC, the Department of Treasury and Finance and the newly-established CTP Regulator appear before the committee in one year to provide an update on the CTP insurance scheme reforms.

On behalf of the committee, I would like to thank the individuals, organisations and government departments who have participated in this inquiry: Mr Grant Harrison; the CTP Executive; the Motorcycle Council of New South Wales; the RAA: the Australian Lawyers Alliance; the Motorcycle Riders' Association of South Australia; the Insurance Council of Australia; the Department of Treasury and Finance; the Law Society of South Australia; PricewaterhouseCoopers; Finity Consulting; and MAC's past and present employees and board members.

The committee also wishes to extend its sincere appreciation to Mr Andrew Nicholls of the New South Wales State Insurance Regulatory Authority, who travelled from interstate to share his knowledge and expertise on the regulation of a privately underwritten CTP insurance scheme. I would like to thank the past and present members of the committee: the Hon. Tammy Franks; the Hon. Dennis Hood; the Hon. Gerry Kandelaars; the Hon. Rob Lucas; yourself, Mr Acting President, the Hon. Tung Ngo; and the Hon. Stephen Wade for their contributions to this inquiry. I also wish to thank the committee secretary Mr Peter Dimopoulos and the committee's research officer Ms Emma Moulds for their assistance. I commend the committee's report to the council.

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

Bills

SUMMARY OFFENCES (DISRESPECTFUL CONDUCT IN COURT PROCEEDINGS) AMENDMENT BILL

Introduction and First Reading

The Hon. D.G.E. HOOD (16:43): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953. Read a first time.

Second Reading

The Hon. D.G.E. HOOD (16:44): I move:

That this bill be now read a second time.

An important feature of our judicial system resides in showing respect towards judicial officers, including judges and magistrates, who are charged with upholding procedural fairness and impartiality in our judicial system. Showing respect begins with following the simple directions which they may make from time to time and can include standing when being asked to or speaking when being spoken to.

The bill that I have introduced today addresses this need and seeks to uphold respect for our court system and in particular its judicial officers. This bill provides courts, tribunals and other authorities vested with powers of inquiry greater authority to maintain court order and procedural

fairness during proceedings. It is well known that courts are under a heavy burden from the substantial amount of cases waiting to be heard. It seems to be a modern trend, not just in South Australia but throughout the Western world. Any behaviour that would further unnecessarily diminish the court's ability to efficiently manage and adjudicate cases should be appropriately dealt with.

Lately, there has been a series of cases highlighting the need for new laws that can effectively deal with and deter disrespectful behaviour to maintain the order in the courts required and other tribunal proceedings. In one recent case in New South Wales, an accused who was tried for murder simply refused to stand in the court for the four judges who this person was before over an 18 month period. That is, the person refused to stand on each occasion over the 18 months.

More recently, five Muslim men, accused of travelling to Syria by boat to join the Islamic State, appeared in court and refused to stand for a Victorian magistrate. Not only did the five accused fail to stand but a number of their supporters in the public gallery also refused to stand for the magistrate when instructed to do so. When questioned by the court, the lawyer for the accused men cited that their refusal to stand should be excused. The lawyer for the accused contended that refusing to stand is consistent with their religious beliefs. Essentially, he explained that these men did not recognise or respect any other authority other than their Islamic God, Allah.

These cases contribute to the growing concern that the current contempt threshold, the contempt of court threshold that is, is set at a level where disruptive and disrespectful behaviour could go unchecked in the courts. Not penalising such behaviour would send the wrong message to the community and potentially undermine public confidence in the judicial system, as not dealing with disrespectful behaviour towards a court clearly is not consistent with community expectations.

The bill I propose creates a new offence aimed at those in proceedings before a court who engage in disrespectful conduct. The proposed fine is a maximum penalty of $1,250 or three months imprisonment. The penalties contained in this bill are not arbitrary, but purposely drafted to be consistent with other penalty provisions under the Summary Offences Act 1953 and the Act Interpretation Act 1915. This new offence is about providing sentencing courts with wider discretion to deal with disrespectful behaviour in a way that the court deems fit. This bill seeks to bridge the gap between a judge's power to remove a disruptive person from the courtroom and the more serious contempt of court offence. There seems to be powers to deal with the very minor and the very major, but nothing in the middle, and thus I believe this bill will provide a means of meeting community expectations of behaviour in our courts.

The definition of 'court' under this bill is purposely wide to encompass all courts, including the Magistrates Court, the Supreme Court, the District Court and appropriate tribunals, and it extends powers to all of these bodies to deal with disrespectful conduct that may not meet the criteria of strictly speaking of being in contempt of the judicial body. Under the bill, disrespectful conduct includes, but is not limited to, refusing to stand up after being requested to do so by the court, using offensive or threatening language, yelling or interfering with or undermining the authority, dignity or performance of the court. The bill also importantly includes a provision to prevent any double jeopardy in relation to contempt proceedings, or in other words a provision ensuring that a person is not penalised twice for the same act.

Although I am sure there will not be an overlap between this new offence in contempt of court, I have included it in this bill as a means of being overly cautious. I have spoken publicly on the issue of disruptive and disrespectful behaviour in our courts, recently appearing on *Today Tonight*, as well as on radio programs, and since undertaking these media appearances, and particularly the *Today Tonight* program, I have received overwhelming support in favour of this bill. I have received support from constituents concerned with the current state of courtroom behaviour and it may surprise members to hear that I have actually received support for this bill from the Islamic community itself.

Indeed, I would like to read excerpts from the statement that I have received from the Islamic Association of South Australia, who are responding to the aforementioned New South Wales case. Under that statement, the Imam Shaikh Tawhidi—and I quote directly from his letter dated 30 May 2016 (of which I have a copy)—states:

A statement regarding Australia's judicial practices.

Based on the Islamic authority provided to this association from the most eminent grand ayatollahs, Islamic jurists and Islamic seminaries to represent our Muslim communities in Australia, the Islamic Association of South Australia condemns the refusal of the so-called Muslims to stand before the magistrate in court.

These are their words. I am quoting directly:

The Islamic Association of South Australia and all of its official establishments and affiliates announce that the five alleged terrorists along with their actions do not represent the peaceful, tolerant and law-abiding Sunni, Shiah and Ahmadi Muslim communities in Australia, as Muslims' Islam teaches us to respect the country we reside in and to abide by the laws of its ruling government. All grand Islamic jurists have ruled that it is not permissible to break the laws of the country one resides in and one must strive to create and/or maintain a peaceful atmosphere for all human beings in order to attain harmony.

We also acknowledge that the Sunni Muslim community is not represented by the extremist minority who have unlawfully associated itself with it. We all stand united and in full support of the Australian law system, customs, traditions and practices.

It is signed by the Imam Shaikh Tawhidi and has the seal of the Islamic Association of South Australia on the letter.

I was quite surprised that I was able to gain support from the Islamic Association. I did not seek it, and to their credit they actually contacted me. It is also important, I think, to point out that the Imam has clearly condemned the practices of disrespecting or showing contempt towards our judicial system and is specifically supportive of this bill. Not only has he forwarded that letter that I have just read but I have actually met with him and he confirmed his support for this bill in person and, as you have just heard, also in writing.

In addition to that, it is important for the chamber to know that this bill that I am presenting today is not unique. That is because earlier this year the New South Wales Attorney-General introduced a similar bill to address disrespectful behaviour in their courts. Similar to the bill that I am introducing here, it is entitled the Courts Legislation Amendment (Disrespectful Behaviour) Bill 2016, New South Wales, and it also recognises the fundamental role of courts in our society and system of government.

The bill was drafted in response to the New South Wales District Court trial that I referred to earlier, which highlighted the type of disrespectful behaviour, such as failure to stand, which could potentially not amount to contempt strictly speaking and thus not be properly dealt with if there was not a specific offence that would be appropriate to apply, as is the case in this bill and as is the case in the New South Wales bill, which is now an act because it has passed their parliament.

Based on the public outcry following the case that I have just outlined, it was clear that the contempt of court provisions did not adequately reflect the widespread community concern about the lack of respect shown towards judicial officers in this and other cases. Speaking on the bill, the Hon. David Clarke of the New South Wales Legislative Council succinctly summarised the object of the bill when he stated:

The benefits of the bill are twofold. First, judges and magistrates will be provided with an additional tool to regulate proceedings and manage their courtrooms. However, the courts will still have all the existing tools at their disposal to conduct their proceedings. Secondly, the bill sends a clear message that adherence to our laws and procedures of the judicial system is a fundamental expectation of all who appear before the courts.

These objects and benefits are also true for this bill that I am putting forward today. Most recently, the New South Wales bill has actually passed the parliament without any amendment. It is now law in New South Wales.

To conclude, these laws are necessary to reflect our community's expectation that those appearing before the courts and any other judicial bodies must show respect for the presiding judicial officers. Quite simply, this bill targets anyone who is acting in a disrespectful manner towards the court, whether that be parties to the proceedings or those in the public gallery. Regardless of their race, colour or religion, this law applies equally to everyone. As I pointed out and read onto the record, it is strongly supported by the South Australian Islamic Association, as I have just indicated.

Furthermore, just for clarity's sake, a very similar bill has passed the New South Wales parliament. I do indicate to the chamber that I will be seeking to bring this matter to a vote, certainly

before the end of the year. As I have indicated, I have had very broad-based public support, including from the Islamic community, and I look forward to it being supported through this place.

Debate adjourned on motion of Hon. J.S. Lee.

Parliamentary Committees

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (16:55): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

The Hon. R.I. LUCAS (16:56): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. R.L. BROKENSHIRE (16:56): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (16:57): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON EMERGENCY SERVICES REFORM

The Hon. R.L. BROKENSHIRE (16:57): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON SKILLS FOR ALL PROGRAM

The Hon. S.G. WADE (16:57): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

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

The Hon. K.L. VINCENT (16:58): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

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

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:58): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON COMPULSORY ACQUISITION OF PROPERTIES FOR NORTH-SOUTH CORRIDOR UPGRADE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:58): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

The Hon. J.S.L. DAWKINS (16:59): On behalf of the Hon. Michelle Lensink, I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (17:00): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

SELECT COMMITTEE ON CHEMOTHERAPY DOSING ERRORS

The Hon. A.L. McLACHLAN (17:00): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 30 November 2016.

Motion carried.

Motions

LGBTIQ COMMUNITY

Adjourned debate on motion of Hon. G.A. Kandelaars:

That this council—

1. Expresses its heartfelt condolences to the families and friends of the victims of the recent horrific mass shooting in Orlando, Florida; and

2. Stands together with the LGBTIQ community around the world to condemn such a senseless act of violence and denounce all forms of discrimination that may contribute to such hatred.

(Continued from 22 June 2016.)

The Hon. D.G.E. HOOD (17:01): I rise to support the motion introduced by the Hon. Mr Kandelaars. Whilst I might quibble with some of the wording that the honourable member has chosen to use in his motion, I think the substantive issue is one that is of a such serious nature that it really seems trivial to argue about the choice of words. We support the motion, and we support it wholeheartedly.

The Orlando shooting shocked and horrified millions around the world. It was the action of a gunman, by the name of Omar Mateen, that was sickening and evil. It has been described as the deadliest terrorist attack since 9/11 on American soil. Regardless of how it is described, it is an act of mass murder and is reprehensible. Regardless of who the victims were, murder is immoral and

there is no justification for taking someone's life. I express my sincerest condolences to the friends and family of the victims and others affected by this grave tragedy.

Whilst I support the motion, I do believe that it ignores one of the fundamental, if not the fundamental, reason for this event. From his actions, it is abundantly clear that the gunman was responsible for the event and he was doing so under the basis of Islamic terrorism. According to transcripts released by the United States Federal Bureau of Investigation, Omar Mateen identified himself as a soldier who pledged allegiance to Islamic State. It is reported that during calls that he made to the emergency services, Mateen praised—specifically using the Islamic word for God, his God Allah—whilst carrying out his acts of evil. It is without doubt that the root of Mateen's evil derived from the Islamic State and the motivation that it gave him, as the gunman reportedly demanded an end to the bombing of ISIL in Iraq and Syria.

Further, adding to our understanding of Omar Mateen's state of mind, Mateen's former wife recently described him as a person who was mentally unhinged and one who would often violently abuse and isolate her. Clearly, this man was disturbed on a number of levels and was inspired by an evil ideology. The tragedy has highlighted many issues we face in our society today. The Orlando shooting reignited the debate on gun control in the US and reminded us of evil that is the Islamic State. The event shocked the world and put on notice the domestic threat from those within our society who do not wish to conform but rather inflict harm in the name of Islam, political ideal or other excuses.

I also respond to the comments made regarding the research I have quoted from the American College of Pediatricians. The Hon. Mr Kandelaars sought to discredit the ACP's point of view. Indeed, the ACP are not the peak representative body of paediatrics in the US—and I never indicated that they were—however, the fact remains that the ACP does represent a group of qualified paediatricians. To enable a balanced and fair debate, different points of view and, in this case, the views of the ACP must not be dismissed.

No argument is won by attacking the character, motive or other attributes of the individuals making certain positions, or in this case a body, the ACP, making the argument that they made, or persons associated with the argument, rather than attacking the substance of the argument itself. These people are trained and qualified paediatricians whose views are as valid as any other paediatricians. After all, they went to the same universities, studied the same courses and no doubt wrote very similar papers and read similar papers over the years. That is somewhat of a distraction, but it is important that that is clarified for the record.

In closing, I indicate support for this motion. The Orlando shooting and the actions of this gunman should rightfully be condemned in the harshest terms. However, the victims should be the ones who should be remembered. My thoughts and prayers are with the United States, the Orlando, Florida community and those affected by this deeply tragic event. It was a despicable act directed against innocent unarmed civilians in the name of Islam. It is unacceptable at every level. My greatest fear is that it will not be the last even of its type that we will see, most unfortunately.

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

RETURN TO WORK ACT

Adjourned debate on motion of Hon. T.A. Franks:

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

   (a) The potential impacts on injured workers and their families as a result of changes to the Return to Work Act including tightening of the eligibility criteria for entry into the Return to Work Scheme;

   (b) Alternatives to the overly restrictive 30 per cent WPI threshold for ongoing entitlements to weekly payments;

   (c) The current restrictions on medical entitlements for injured workers;

   (d) Potentially adverse impacts of the current two year entitlements to weekly payments;

   (e) The restriction on accessing common law remedies for injured workers with a less than 30 per cent WPI;

(f) Matters relating to and the impacts of assessing accumulative injuries;

(g) The obligations on employers to provide suitable alternative employment for injured workers;

(h) The impact of transitional provisions under the Return to Work Act 2014;

(i) Workers compensation in other Australian jurisdictions which may be relevant to the inquiry, including examination of the thresholds imposed in other states;

(j) The adverse impacts of the injury scale value; and

(k) Any other relevant 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 25 May 2016.)

The Hon. M.C. PARNELL (17:06): My purpose in speaking to this motion now is to move an amendment to it. I move to amend the motion, as follows:

Paragraph 1—Leave out the words 'That a select committee of the Legislative Council be established to inquire into—' and insert the words 'That the Occupational Safety, Rehabilitation and Compensation Committee inquire into and report on—'

Paragraphs 2 to 4—Leave out these paragraphs.

I understand the amendment has been circulated, but it is quite straightforward. Basically, it leaves out the words, 'That a select committee of the Legislative Council be established to inquire into' and it inserts the words 'That the Occupational Safety, Rehabilitation and Compensation Committee inquire into and report on'. I will now just briefly say that it simply moves this motion from the one being the creation of a select committee to the reference of these matters to a standing committee. I understand that the amendment has the general support of the opposition and crossbench members and I commend the amendment and the amended motion to the house.

The Hon. T.T. NGO (17:08): I rise to support the Hon. Tammy Franks' motion to refer her proposal to inquire into various aspects of the Return to Work Scheme to the Occupational Safety, Rehabilitation and Compensation Committee. As honourable members would be aware, parliament passed the Return to Work Act 2014 in October 2014, with the new scheme coming into effect on 1 July 2015. To support those legislative changes, the methods of service delivery and case management were transformed. These reforms have been the most substantial changes to work injury insurance in nearly 30 years and were vital for the benefit of workers, employers and the state.

Although the new scheme is only in its infancy, there are very promising signs of improvement. For example, there are now over 100 mobile case managers providing face-to-face service to people with injuries, their employers and service providers across the state, including Adelaide, Mount Gambier, the Iron Triangle and the Riverland. It is my understanding that the level of disputes lodged with the scheme have dropped drastically with the introduction of the new Return to Work Scheme. I am told the reduction is about 22 per cent.

The cost of the Return to Work Scheme is also significantly less with it charging employers an average premium rate of 1.95 per cent of remuneration in 2015-16, compared with 2.75 per cent the previous year. The scheme's unfunded liability, which before these reforms was the largest in Australia, has now been completely wiped out. The scheme is now running at a surplus. I am extremely supportive of these developments as they ensure the scheme's long-term viability for all affected workers. While the Return to Work Scheme is not yet a year old, it appears that the intent of government and the parliament in establishing a scheme that supports workers who suffer injuries at work through early intervention is likely to be realised.

Given the importance of this social and economic statutory scheme, it is appropriate that the parliament and its members continue to monitor the administration and operation of the Return to Work Scheme. This is why the Return to Work Act 2014 contains a provision for a review of the act. This legislatively required review must consider the effectiveness of the dispute resolution processes, whether the jurisdiction of the South Australian Employment Tribunal be transferred to the South Australian Civil and Administrative Tribunal, any improvements in determining or resolving medical questions and any other matter that the minister considers to be relevant. The review will conclude with a written report that must be tabled in both houses of parliament.

Members will be able to analyse and question the findings or outcomes of the review. This legislatively required review is due to begin three years after the commencement of the act, that is, on 4 December 2017. It is the government's view that a review of the Return to Work Act 2014 now would be premature. While the motion by the Hon. Tammy Franks is supported, the government's view is that the legislation already contains a provision for a review of the Return to Work Act 2014 and the proposal for an inquiry is premature and unnecessary.

The Hon. R.I. LUCAS (17:12): I rise on behalf of Liberal members to speak to the motion and the amendment to the motion. As has just been outlined by the government, the government is supporting the motion and, as I understand it, other minor party and Independent members are supporting the motion as well. So, the position and vote ultimately of the Liberal Party members, we acknowledge, will not be of great significance in terms of whether or not it gets referred for review.

As the Hon. Mr Ngo has just outlined, there are certainly some who have argued very strongly to the Liberal Party that there should not be a review. As the Hon. Mr Ngo has pointed out, there is already a three-year review provision in the legislation, which I think was supported by all parties at the time, which means that there will be a review, irrespective of the fate of this particular motion.

The Liberal Party has been contacted by a number of interested groups, in particular employer organisations that have strongly opposed the notion of an early review, as they would refer to this particular motion. We have been lobbied by two or three employer groups that have opposed the notion of an early review, as they would deem it. As I said, the government has indicated that it is supporting it and all other members are supporting it, so the Liberal Party will not stand in the way of the motion. Even if the Liberal Party did, it would not have the numbers to prevent this review of the legislation that the government is now supporting.

The only other point I would make in my brief contribution is that an argument that my colleagues on the standing committee have indicated to me which would support the notion of the committee undertaking a review is that the committee has, over its years, monitored the workers compensation scheme in South Australia, even without a reference from either house of parliament.

In my brief period on the committee, we resolved as a committee to look at the workers compensation scheme. I know it had been done prior to me joining the committee, and my understanding is it is one of those sorts of issues that clearly and sensibly comes within the purview of the work of the committee. Therefore, the argument can be rationally made that it is an ongoing part of the work of this particular committee and therefore, if there was to be a reference to any committee, this is the appropriate committee for it to be referred to.

There is obviously a body of expertise on that committee already. Some members have had many years of experience and expertise in workers compensation issues—the member for Ashford and other members. I know the member for Schubert from another place from an employer perspective has had an ongoing and active interest in workers compensation issues and I am sure is looking forward to participating in this review of the scheme.

My final point is that, given, as I said, the government has supported this, hopefully the committee will be able to apply its expertise to the issues at hand to throw further evidence and light on some of the concerns that have been expressed so that, clearly when the formal review is done in three years' time, the parliament can be forewarned perhaps in relation to the concerns of some individual stakeholders. Clearly, it will give the opportunity for ReturnToWorkSA and its management and those who support it to respond to the concerns that some stakeholders have raised and will raise to the committee.

From that viewpoint, I think it is good that some of these issues will be aired, discussed and considered by the committee with the opportunity for people to express their differing views on the concerns. Then when the formal review is conducted and concluded, and that will be after the next state election, whichever government happens to be in power after March 2018 will be charged with the responsibility of oversight of what, if anything, is done as a result of the review of the legislation that is included in section 203 of the act.

The Hon. K.L. VINCENT (17:17): Dignity for Disability certainly welcomes the opportunity to support this motion and investigate this legislation, brought forward by the Hon. Tammy Franks in conjunction with the Hon. John Darley, to inquire into the current workers compensation scheme and the impact that these new laws are having or will have on injured workers. Being injured at work is certainly not something we will hope happens to us or to our family, friends or people we know and care about, but it unfortunately remains a fact of life.

It does happen, and we need a system which recognises the impact workplace injuries can have on a person's whole life. It is an impact that can last a lifetime and in fact many aspects, if not every aspect, of daily living. It is beholden on all of us to examine the consequences of this legislation on the quality of life of injured workers and how we can work to improve that quality of life. Particular concerns have been expressed, as I am sure members would be aware, in the community about the 30 per cent whole-person impairment (WPI) threshold to have medical costs and wages supplement payments carried on.

Constituents have raised with me the situation of older, particularly partially incapacitated workers, who were on the previous WorkCover scheme. With South Australia's ageing population being combined with workers staying longer in the workforce, we need to be alert to specific situations of older workers. Under section 56 of this legislation, if you are injured under the old WorkCover scheme, you are not entitled to economic loss, even though, under the new Return to Work Scheme, after two years you will lose the weekly wage build-up component, which is up to 80 per cent of your wage pre-injury.

Added to this is the very real possibility of being made redundant or dismissed after the said 104 weeks, with no financial compensation for your work-related injury. The phrase 'thrown on the scrapheap' comes to mind, and that is no way to treat anybody. We need to review the large financial incentives for the employer to reduce a longstanding employee's salary to the lowest level possible after the 52-week mark if they are unable to return to their pre-injury role or pay level.

Employers, by placing the older worker in particular in a much lower position or base rate, will in turn have an impact on employee time-related entitlements, for example, annual leave, quarterly and yearly bonuses, superannuation and long service leave and, of course, there is the risk that, when we arrive at the 104-week mark, the older worker is dismissed or made redundant or is being paid at a vastly lower rate, effectively saving the employer many thousands of dollars by having, of course as I have said, a severe impact on that particular worker's quality of life.

Furthermore, under section 39 of the legislation, which covers income maintenance, for the first two years under the return-to-work legislation injured workers are entitled to income maintenance for the first year at 100 per cent of their average weekly earnings, and for the second year at 80 per cent of their average earnings. If they are deemed to be under their 30 per cent whole-person impairment threshold, all income maintenance is stopped at the end of the second year.

To be incapacitated at or over 30 per cent whole-person injury, a worker would have to be very severely injured, but if they have secondary injuries to their main injury they can combine their injuries for a higher whole-person impairment percentage rate. It is important to note here that psychiatric and psychological injury, resulting from a physical work-related injury, cannot be added to the physical injury whole-person impairment percentage rate, as they are measured as stand-alone mental injury.

Older workers who were injured during the time of the old WorkCover scheme cannot now claim secondary injuries to increase their whole-person impairment percentage rate due to the change in legislation and date of their injury. There was no reason under the old WorkCover scheme to pursue secondary injuries, bar for the small section 43 payment, as income was guaranteed until retirement age and not removed at the 104-week period. Injured older workers who were on

WorkCover require access to claim economic/non-economic loss and the ability to secure secondary injuries to the primary injury under the current return-to-work legislation.

The withdrawal of income maintenance at the 104-week mark needs to be totally removed from the Return to Work Act to stop placing financial incentive for employers to lower injured workers wages, as this will cause the harsh flow-on effect to employees' long-term entitlements. As it stands, the future outcome for injured workers, particularly older workers, will be age and injury-related unemployment and reliance on government assistance. We cannot afford adding insult to injury, quite literally, through the potential flow-on effects of the loss of self-esteem, family breakdown and even potential suicide attempts resulting from such harsh economic constraints, brought about through no fault of their own. These working people of South Australia deserve better from government and better from parliament. With those few words, Dignity for Disability welcomes the opportunity to examine this legislation, particularly the ramifications of it, and offer our support for the motion.

The Hon. T.A. FRANKS (17:24): I rise to very briefly thank members for their contributions—both today and previously: the Hon. Tung Ngo, the Hon. Mark Parnell, the Hon. Rob Lucas and the Hon. Kelly Vincent today for their indications of support. I want to particularly thank the Hon. John Darley for moving this motion with me. We did it as a team because we were similarly receiving reports and hearing about cases of injured workers with, for example, disc herniation surgery, total hip replacement, compression fracture of spine and even a leg amputation below the knee, and all of these life-altering injuries not being defined as serious under the current laws.

What has changed in recent months has been the success of the Protect Our Cops campaign, where the police officers of this state showed to the public and then to the Weatherill Labor government that these new changes were unfair, they were too harsh and they had gone too far. The Police Association ran a successful campaign and the voices of those injured workers were heard loud and clear by Labor. I hope that the voices of the workers will be heard loud and clear by Labor through the processes of this committee, and supporting those injured workers to tell those stories through the parliamentary processes sooner rather than later. We need to protect our cops but, do you know what, we need to protect our ambos, our nurses, our teachers, our tradies, any workers. A worker who is injured on the job should be treated in the same way as any other worker who is injured on the job, regardless of whether they are a cop or a construction worker.

I thank those members for their contributions and the conversation that happened outside this chamber, and I am certainly very supportive of the select committee being replaced with a standing committee. I thank members who were instrumental in facilitating that pathway. These people who we want to hear from are the most vulnerable in our community and they need our support, and they need a strong and supportive workers compensation scheme. I am hopeful that we can look at what is happening sooner rather than later and not wait for that review that comes after the next state election, but hear from these workers who have similar stories to tell as the police officers of this state told to the community. I think, when the community hears these stories, they will be shocked and surprised and perhaps we will see further legislation in this place to correct the errors that have been made. With those few words, I commend the motion.

Amendment carried; motion as amended carried.

FLINDERS UNIVERSITY

Adjourned debate on motion of Hon. J.S. Lee:

That this council—

1. Congratulates Flinders University for celebrating its 50th anniversary in 2016;

2. Highlights the contributions made by Flinders University and its alumni throughout its 50-year history; and

3. Acknowledges the significant establishment and achievements of the university in South Australia, nationally and on the global stage.

(Continued from 25 May 2016.)

The Hon. S.G. WADE (17:27): I rise to support the motion of the Hon. Jing Lee, recognising the 50th year anniversary of Flinders University. I must admit that what compels me to join the debate is not the excellence of the institution of Flinders University or its constellation of world-leading academics: I am compelled by just one star, one academic, my wife Tracey, who is a Professor of Psychology at Flinders University.

She has been able to bring together her academic research and clinical skills to save the lives of many young people and adults in her own clinics, through therapists whom she has mentored and through her research that impacts on eating disorder services around the world. I will never come near matching her achievements and impact. I am simply pleased to have been one of many who have played a part in supporting her important work. Tracey embodies the essence of Flinders University: in her 50s, yet youthful, scientifically robust but rigorously applied.

In the year that she was born (1963), the Playford Liberal government began work on a new tertiary education institution to deal with the rapidly increasing number of South Australian students, particularly in the southern suburbs. In 1966, The Queen officially opened the campus of what we now know as Flinders University. At the time of its opening Flinders University had 90 staff who offered less than 10 courses to 400 students, yet now, 50 years later, Flinders University hosts more than 2,600 academics and staff. There are about 26,000 students, including 4,000 international students.

Flinders University has become a treasured asset of the state. After 50 years of quality education, research and innovation, Flinders University has climbed to be in the top 2 per cent of universities worldwide. Flinders is strongly committed to engaging strongly and effectively with the city and the state of South Australia. In the area of health, Flinders plays a crucial role in supporting health services throughout the state through research, education and service delivery. The faculty of medicine, nursing and health sciences is a key provider of quality career-ready health professionals. I note that one of the schools in the faculty, the School of Medicine, states its vision as 'Local wellbeing. Global influence'.

Notable alumni from right across the faculty demonstrate the quality of the education offered by Flinders and the reality of that global influence:

- Wang Kunhua and Miao Qilong are amongst a cluster of graduates who are now leaders in health care in the People's Republic of China.
- Professor Chris Baggoley is the Chief Medical Officer for the Australian government.
- Professor Deborah Anderson and Professor Catherine Turner are leaders in the nursing profession.
- Dr Manny Noakes and Dr Peter Clifton are co-authors of the CSIRO Total Wellbeing Diet.
- Professor Steven Wesselingh is the Director of SAHMRI.

To name a few.

The university's work in the education of the health workforce and its engagement with public hospitals, such as the Flinders Medical Centre and the Repatriation General Hospital, are a major benefit to local wellbeing. The integrated tertiary teaching hospital and medical school arrangements of the Flinders School of Medicine and the Flinders Medical Centre offer both first-class training for future health professionals and at the same time supporting first-class health care for South Australians. When Flinders talks about local wellbeing, they are not talking just about the southern suburbs. For Flinders, the whole of South Australia is local. Flinders Health has a presence in the Riverland, Mount Gambier, Victor Harbor, Murray Bridge, Barossa Valley and Burra. I had the privilege of visiting the nursing and medical training facility at the Renmark campus recently.

The integrated learning experience, which takes place within local health facilities in Renmark, offers a flexible learning experience for students and a positive way to maintain professional development in rural areas. Medical students are able to be based at the campus during their third year of study as part of the Parallel Rural Community Curriculum. Nursing students at the facility are able to receive both locally delivered material and curriculum delivered from the main

Bedford Park site, and also be actively involved in the operation of the hospital. These initiatives have demonstrated success in encouraging health professionals to enter regional health services.

The university is not using the anniversary just to look back. The 2025 Agenda: Making a Difference Initiative is a strategic recommitment to quality and innovation. Coupled with major recent investments in infrastructure, the 2025 Agenda offers a bright and positive future for Flinders. I can only agree with the Vice Chancellor of the University, Professor Colin Stirling, when he says that Matthew Flinders would be extremely proud of the achievements made by the university established with his name. Matthew Flinders, of course, explored the Australian continent with courage and determination. As Matthew Flinders is reported to have said, 'I have too much ambition to rest in the unnoticed middle order of mankind.'

Flinders, as we know it today, and as expressed in the 2025 Agenda, is similarly a university that brings courage and determination to the exploration of the world of knowledge. As the shadow minister for health, I am delighted to associate myself with the motion moved by the Hon. Jing Lee, and in doing so thank Flinders for the past 50 years of services from the university and wish the university all the best in the years ahead.

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

UNIVERSITY OF SOUTH AUSTRALIA

The Hon. J.S. LEE (17:34): I move:

That this council—

1. Congratulates the University of South Australia for celebrating its 25th anniversary in 2016;

2. Acknowledges the significant contribution made by the University of South Australia throughout its 25 year history; and

3. Highlights the remarkable achievements and significant impact the University of South Australia has made for South Australia, both nationally and internationally.

The University of South Australia was founded in 1991 through the amalgamation of the South Australian Institute of Technology and the Magill, Salisbury and Underdale campuses of the South Australian College of Advanced Education. However, the University of South Australia's foundation has a deeper history that dates back further, to the latter half of the 19th century, including the South Australian School of Art founded in 1856 and the School of Mines and Industries established in 1889.

At the time of its establishment, UniSA was considered a new force in education in Adelaide. It had a new focus on practical research, knew how to work with industry, and opened up opportunities for many more people who had not seen university as a choice. The university was established with a particular mission to expand access to higher education from traditionally disadvantaged groups, as well as pursue a research program that was focused on industry engagement, collaboration and innovation.

Through this vision, UniSA has been labelled as one of the world's best new universities under 50. At the tender age of 25 years old, UniSA is South Australia's largest university, with more than 32,000 students (including 6,000 international students), over 400 degrees on offer, 2,500 staff, four metropolitan and two regional campuses, eight research institutes and 18 research centres.

The university offers degree programs across a wide range of subjects, including business, law, education, arts and social sciences, health sciences, information technology, engineering and the environment. Twenty-five years old is a very young age, but this young university has shown impressive achievements since its establishment. Perhaps I am allowed to be just a little bit biased here, because I am a proud graduate of the University of South Australia. I have fond memories of my university days, not so much in terms of burning the midnight oil to finish assignments or swotting for exams, but those memories relating to all the interesting interactions I had with my lecturers and fellow classmates.

I am very thankful to mentors and friends I made during my university days. The business qualification, knowledge and multidisciplinary skills I gained from UniSA established a strong foundation for me to build on and certainly prepared me well to expand my local and international

connections and seize many rewarding career opportunities, including the privilege of being elected to parliament. It is a great honour to represent the people of South Australia.

The university's commitment to excellence is also reflected in the calibre of their academics and researchers. The number of UniSA staff with doctoral qualifications has grown remarkably, and 73 per cent of the academic staff now hold a PhD, providing highly qualified human capital at the university. Throughout the last 25 years of history, UniSA has produced some of the most cutting-edge, industry relevant research and inspirational graduates who continue to make an impact on their communities.

UniSA has more than 189,000 alumni worldwide. These alumni live in more than 150 countries, including Singapore, Malaysia, Indonesia, China, United Kingdom, Taiwan, Hong Kong, Korea and Vietnam. Ninety-one per cent of UniSA graduates going on to full-time work are employed in a professional occupation within four months of completing their degree. (This is from the Australian Graduate Survey.) UniSA is in the top 50 of world universities under 50 years old, according to the Times Higher Education world university rankings.

In the 2015 Centre for World University Rankings, UniSA is ranked in the top 10 nationally for the indicator Alumni Employment which is measured by the number of university alumni who currently hold CEO positions at the world's top 2,000 public companies relative to their university size. In 2005, BOSS magazine of the *Australian Financial Review* has ranked University of South Australia's MBAs the ninth in Australia in its national biannual survey of MBAs.

Last year I was very honoured to be invited to attend the inaugural UniSA Alumni Gala Dinner Awards 2015. I would like to highlight a number of exceptional university alumni. Rachael Sporn OAM, who we know participates in elite sport, played at the elite level for 19 years. Rachael took to the court in 340 games as a member of the Australian women's basketball team, the Opals. I am sure the Hon. Terry Stephens knows her quite well in his role as the shadow minister and shadow parliamentary secretary for sport. Rachael played in three world championship teams. They made three Olympic appearances picking up a bronze medal in 1996 at the Atlanta Olympics, a silver medal in Sydney in 2000 and again in Athens in 2004.

Rachael graduated from the University of South Australia with a Bachelor of Education in secondary physical education and mathematics. She was awarded an Order of Australia in 2015 in the Australia Day Honours for her services both to basketball and the community. She has twice been inducted into the South Australian Sporting Hall of Fame as a team member of Adelaide Lightning and then as an individual. She coaches and is very involved in the basketball league, and she credits her academic background for her success, in particular in PE teaching for her ability to organise and to lead. She has credited that to the University of South Australia.

Professor Tom Calma AO is a respected Aboriginal elder who, for over 40 years, has worked in local communities at a state and international level, championing the rights, responsibilities and welfare of Aboriginal and Torres Strait Islander peoples. Upon graduating in 1978, Professor Tom Calma led the creation of and became the lecturer in the Aboriginal Task Force program at the Darwin Community College in 1979 and 1980, again devoting his considerable talents and energies to improving and extending the lives of his people.

Professor Calma is also a strong advocate for Indigenous rights and empowerment, in addition to the Closing the Gap campaign. His many awards include the Order of Australia in 2012 for distinguished service to the Aboriginal community and being named ACT Australian of the Year in 2013. He is now the Chancellor of the University of Canberra. He was the first Aboriginal or Torres Strait Islander man in 164 years of history to hold the position of chancellor at any Australian university.

The next very distinguished alumni is Rob Chapman. He is the chair of the Adelaide Football Club, the Adelaide Airport, the state's inaugural Investment Attraction Agency and is a director of Vinomofo, one of Australia's fastest growing companies. Rob Chapman also chairs Barossa Infrastructure, Fortis Ago Corporate Advisory, The Engine Room and Perks Integrated Business Services. He is deputy chair of the South Australian Economic Development Board, the South Australian Economic Development Cabinet Committee and a director of TAFE.

Rob graduated in 1982 with an Associate Diploma in Business from the South Australian Institute of Technology which is now part of UniSA. He believes this degree was great preparation for his professional life as it covered the many disciplines such as management leadership and organisational structure that formed the bedrock of his future career. His career highlights include chair of Bank SA Advisory Board, managing director of Bank SA, chief executive of St George Bank and the regional general manager for Western Australia, South Australia and Northern Territory of the Commonwealth Bank of Australia.

During 2015, the alumni awards also went to Poh Ling Yeow. I know the Yeow family very well through the Malaysian community of South Australia. The community is certainly very proud of Poh Ling. Poh is a fifth-generation Malaysian-born Chinese from Kuala Lumpur, who feels that she really only found her feet from the day she turned nine years old and became a resident of Australia. She graduated from Seymour College and began a Bachelor of Design degree at the University of South Australia, became an artist and worked as a graphic designer and illustrator, then turned her talents to make-up artistry. Poh was a mature-age student at UniSA. In her words, she said, 'I had already done all my travel, and I went in with a complete focus on my studies.'

She became a full-time artist in 2002, working mainly with acrylic paint on canvas. Her painting explores notions of belonging and reconciling her Asian heritage with her Western identity. Poh participated in 28 exhibitions, 20 of which have been solos. In 2009, Poh's life changed, and she became a household name when she became the second runner-up in the first season of *MasterChef Australia*. She made her mark then, and in the following years she was offered her own cooking show, *Poh's Kitchen*, on ABC television, and since then she has definitely become a household name.

The university has a longstanding commitment to equity and diversity. In 1993, it was the first Australian university to appoint a pro-vice chancellor with the task of improving access to tertiary education. Since then, the university has made tertiary study a reality for thousands of students from a variety of backgrounds, including Indigenous students, students with disabilities and those from lower socio-economic backgrounds. This commitment to equity has also been recognised by the *Good Universities Guide 2015*, with a five-star rating for the socio-economic equity of our student population.

On the topic of equity and diversity, I would like to pay a special tribute to Way Lee. Way Lee was a Chinese rice miller who, in the 19th century, against a backdrop of rising racism in Adelaide, introduced the idea of international trade with China as well as the benefits of multicultural engagement. Fighting through two false criminal accusations that were mounted by anti-Chinese political forces at the time, Way Lee became widely respected and honoured due to his commitment to his new home in Adelaide as well as his charity and community engagement activities. Way Lee's contribution to the state of South Australia may be generally unheard of but is acknowledged at the university's City West campus, as the Way Lee Building is named after him.

UniSA was the first university to implement the Football United program outside of New South Wales. The program provides free football matches for at-risk youth and, particularly, for refugees, migrants and Indigenous children. UniSA has been acknowledged as the employer of choice for women by the commonwealth government's Equal Opportunity for Women in the Workplace Agency for the past 11 years. UniSA has also achieved a QS five-star business school ranking, awarded by the Quacquarelli Symonds international rating system, placing the university in the top 1 per cent of business schools globally. UniSA's MBA program is also rated five star in five subcategories: teaching and student quality, internationalisation and diversity, facilities, engagement, and program strength.

Their researchers are engaged in more than 500 international collaborations worldwide across 45 countries. The university is well connected to industry through more than 2,000 partnerships of local and global heavyweights, including Hills Limited, Hewlett Packard Enterprise, Santos, Coca-Cola, Unilever, Google, ANZ, ESPN, Foxtel, Mars, Nielson and more.

As the shadow parliamentary secretary for small business, I recognise that reputation is everything in business. It is why UniSA sought the very highest standard of accreditation from the European Quality Improvement System (EQUIS) for their Business School. Their Business School

is the largest in South Australia and they have held this accreditation for more than 10 years. They are also one of only eight Australian universities and 156 universities worldwide to gain this prestigious accreditation.

The Centre for Business Growth at the uni guides small to medium enterprises on the path to greatness, with innovative diagnostic tools, research and world-leading experts. I have been quite involved with the Centre for Business Growth through the launch and also with a number of companies that engage in that program. ANZ recently announced that five local businesses will be taking part in an intensive nine-week program that will provide executives with the skills to help accelerate company growth and compete in the global marketplace.

The program is run in partnership with the University of South Australia and facilitated by business professor Dr Jana Matthews and nine national and international growth experts. The ANZ Business Growth program is open to executive teams with between five and 200 employees and more than $5 million in annual sales. It is the small business sector that I look after and I am very proud of their achievements.

The companies who participated in 2015 have since achieved an aggregate 24 per cent increase in revenue, taking earnings from $132 million to $164 million, and created 114 new jobs in total. Forty per cent of the participants are now selling their products and services in nine new countries, with 30 per cent of businesses opening up offices in new countries.

Along with their successful alumni, the University of South Australia has been recognising individuals who have had a distinctive contribution to public service or service to the university by honouring them with a doctorate. A number of outstanding individuals have played an exceptionally strong part in the shaping of our society, economically, socially, academically, culturally and scientifically. I would just like to highlight a few of these wonderful individuals. Unfortunately, I am not able to name them all as the honorary doctorates date back to 1993, with a total of 91 doctorates. However, I will highlight a few well-known personalities today.

There are two former governors of South Australia: Sir Eric Neal and the late Dame Roma Mitchell AC. We also have the Hon. Alexander Downer, who is the current Australian High Commissioner to the United Kingdom; the Hon. Mike Rann, former premier; Dr Alfred Hwang, the former lord mayor; Dr Wolf Blass AM; Dr Patricia Crook AO; and Maggie Beer AM, to name just a few. The University of South Australia regards as paramount keeping in contact with their alumni and honorary doctorates as leaders and ambassadors of the university.

The educators, management and staff of the university are innovative, creative and focused on graduating the next wave of global professionals. As UniSA continues to strive for excellence, their vision today is that they will become a leading contributor to Australia, having the best higher education system in the world, supporting the best educated and most innovative and cohesive society.

The University of South Australia has expanded its global engagement over the last couple of years and has created further engagement strategies with China, Indonesia, Japan, Malaysia, South Korea and India. The University of South Australia has a long and rich history of collaboration in China and has recently partnered with three leading Chinese universities—Tianjin University, Shandong and Beijing Normal University—to establish joint research centres.

In addition, UniSA has had a long history of research and teaching interaction with Japan, ranging from university studies at Waseda University to engineering research links with the University of Tokyo's Graduate School of Engineering to joint social science research with Keio University's Graduate School of Human Relations. Throughout UniSA's 25 years of establishment, it has managed to create strong partnerships with eight various Japanese universities, some of which I have mentioned already. I will list them: Keio, Waseda, the University of Tokyo, Tsukuba, Nagoya, Nagoya University of Foreign Studies, Kwansai Gawuin University and Okayama University.

Another country that UniSA has established an excellent relationship with is Malaysia. Malaysia is a country with a sophisticated education sector and it has many education partnerships with Australian institutions. The long history of interaction with Australia dates from the original

Colombo Plan, where many high-level executives in Malaysia were educated in Australia and, to this day, maintain close links.

When I was on a study tour to South Korea last year, I discussed with Mr Jonathan Hwang, President of the Australia-Korea Business Council of South Australia that I am an ambassador for the Confucius Institute. In our discussion we explored and investigated whether there are similar education centres like the Confucius Institute in Korea. Mr Hwang recommended that I get in touch with the King Sejong Institute.

The King Sejong Institute is a brand name that the South Korean government launched in order to comprehensively provide Korean language learners and teachers with an integrated study and information service. Sejong was the fourth king of the Joseon Dynasty of Korea, who created the Korean alphabet in 1446. The King Sejong Institute was looking for opportunities to establish institutions worldwide, and I raised this matter with the University of South Australia through Professor Nigel Relph. I have good news for honourable members. On Wednesday 22 June (two weeks ago), I received an email from Seoul, and I quote:

> Hi Jing
>
> Just a brief note (sent from Seoul) to let you know that UniSA has been successful in its application to secure a King Sejong Institute. It wouldn't have come without your original suggestion! We will launch officially on the 30th September and I do hope you will be available to join that celebration.
>
> Best regards
>
> …Prof David G. Lloyd, Vice-Chancellor & President
>
> University of South Australia

International education is a major contributor to the development of a student's ability to engage and develop strategies that will build an environmentally, economically and socially sustainable world. It is very exciting that the University of South Australia's international students have come from over 140 countries. From these international links, UniSA has been able to contribute to a worldwide alumni network of almost 200,000 graduates.

International relations have benefited UniSA in many research projects, including many publications. I was very honoured to be invited as a guest speaker in February last year, when I launched a book called *Rural Transformation in China and Beyond* with authors Ying Zhu, Hong Lan, Ke Xing, Kris Schneider, David Ness, Seung-Hee Lee and Jing Ge.

The book represents one of the first attempts by a multidisciplinary research team, encompassing social science, business, architecture and planning, engineering, and finance and economics to help rural communities discover a sustainable and self-reliant path to development and transformation. The authors demonstrated interconnected community enterprises based on renewable energy, water, and waste management, and certainly ought to be congratulated. The book is a fantastic resource that offers knowledge that can be beneficial to our regions. I was very honoured to be able to help launch the book at the University of South Australia.

In my final remarks, I would like to place my gratitude on the record, my sincere thanks and acknowledge the incredible work and dedication of the University of South Australia leadership team, in particular my very good friend Professor David Lloyd, the Vice Chancellor and President of UniSA and my good friend, Nigel Relph, Deputy Vice Chancellor and Vice President, External Relations and Strategic Projects. They have done remarkable work. I recognise and pay tribute to their great network and collaboration for industry.

I would also like to acknowledge the work and leadership of past and present chancellors, presidents and all the staff for their outstanding contributions over the last 25 years. It is my absolute pleasure to move this motion today. My heartfelt congratulations to the University of South Australia on their 25th anniversary. Yes, I am very proud of my own university and it is an honour to say a few words and pay tribute to the university. I commend the motion to the council.

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

Bills

CONSTITUTION (DEMISE OF THE CROWN) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:02): 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.

The 'demise of the Crown' refers to the transfer of sovereignty from one Queen or King to another upon the death of the Queen or King, their abdication or their being deposed. This leads to the question of whether acts done in the exercise of authority of the sovereign survive the sovereign.

Historically, at common law, things done by the sovereign in a personal capacity were considered not to survive the demise of the Crown and, in particular:

- Parliament was immediately dissolved;
- persons holding office at the pleasure or by commission ceased to hold office; and
- legal proceedings involving the Crown ceased.

Various imperial statutes were enacted to mitigate these effects. These imperial statutes are piecemeal and their current application in this State not always certain.

NSW, Queensland, Tasmania and Victoria each have various specific provisions in their Constitution Acts dealing with the demise of the Crown, for example, specific provisions dealing with the continuation of Parliament, legal processes, appointments, use of the public seal, etc.

A 2015 Inquiry by the Standing Committee on Legislation of the Western Australian Parliament concluded that demise of the Crown provisions were needed in that State to address current complexity and uncertainty in the law. This Western Australian Parliamentary Committee recommended a general catch-all amendment to the Constitution Act of WA, modelled on a New Zealand provision, to put beyond doubt the legal effect of demise of the Crown in that State.

This Bill would amend the *Constitution Act 1934* of South Australia to insert a general demise of the Crown provision. To put beyond doubt the effect of the demise of the Crown in this State, including on the continuity of Parliament, public offices and legal proceedings, the amendment provides that the demise of the Crown has no other effect in law other than to transfer sovereignty.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Constitution Act 1934*

3—Insertion of Part

This clause inserts a new 'Miscellaneous' Part in the Constitution Act containing a provision on the demise of the Sovereign. The provision makes it clear that the Sovereign's demise has the effect of transferring all the functions, duties, powers, authorities, rights, privileges and dignities to the Sovereign's successor but has no other legal effect.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:03): 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.

The *Legal Practitioners (Miscellaneous) Amendment Bill 2016* seeks to amend the *Legal Practitioners Act 1981* (the Act) to address concerns raised by the Law Society about the ability of incorporated legal practices to practise in partnership and concerns raised by the new Legal Profession Conduct Commissioner about the operation of Part 6 of the Act.

The Act was substantially amended on 1 July 2014 by the *Legal Practitioners (Miscellaneous) Amendment Act 2013* (the Amendment Act). Among other things, the Amendment Act abolished the Legal Practitioners Conduct Board and established the new office of the Legal Profession Conduct Commissioner (the Commissioner) with expanded powers to deal with misconduct by legal practitioners. For example, the range of disciplinary sanctions that can be imposed without the practitioner's consent have been broadened and the Commissioner has the power to impose a range of lesser sanctions with the practitioner's consent reducing the need for recourse to the Legal Practitioners Disciplinary Tribunal. The Amendment Act also included a new Schedule 1 which regulates incorporated legal practices.

An incorporated legal practice is a corporation that engages in legal practice in South Australia. Schedule 1 regulates matters such as eligibility to be an incorporated legal practice, requirements for legal practitioner directors, obligations of such directors, professional indemnity insurance and auditing of incorporated legal practices.

Prior to 1 July 2014, section 25 of the Act permitted the Supreme Court to authorise a company practitioner to practise in partnership. In its position as delegate of the Supreme Court, the Law Society of South Australia had previously granted such authority and there are still legal practitioner companies practising in partnership with a group of individual practitioners.

As a result of Schedule 1, and other amendments, doubt has arisen as to whether or not the current wording of the legislation allows incorporated legal practices to practice the profession of the law in partnership with another incorporated legal practice or with an individual legal practitioner (i.e. a natural person). There is a view that, read as a whole, the amended Act does not permit an incorporated legal practice to engage in partnership with a legal practitioner or another incorporated legal practice.

This is an unintended consequence as it was never the Government's intention to prohibit incorporated legal practices from practising in this manner. The Bill therefore amends the Act to remove the sources of contrary implication that exist at present and to make it clear that an incorporated legal practice can practice in partnership with another incorporated legal practice or with an individual practitioner.

The remainder of the Bill makes a number of amendments to Part 6 of the Act, at the behest of the Commissioner, to address some operational concerns with the new complaints process and to help make the complaints process more efficient.

In accordance with the current provisions of the Act, the Commissioner is obliged to investigate any complaint that he receives. Although the Commissioner has the option of closing a complaint against (for example) a Tribunal member on one of the grounds set out in section 77C, the Commissioner still has to deal with the complaint, even where the complainant has been declared vexatious by the Supreme Court. This has a significant impact on the resources of the office, the Commissioner's time and funding requirements. Furthermore, if the complaint is about the Commissioner or a member of his staff, the Commissioner is obliged to delegate the complaint externally because of a conflict of interest.

To address these issues and to ensure that the Commissioner need only consider complaints that should properly come before him and are duly made, the Bill makes a number of amendments to Part 6 of the Act. The main changes to Part 6 of the Act are set out below.

New section 67AB provides that the disciplinary regime set out in Part 6 of the Act does not apply to the conduct of certain legal practitioners or former legal practitioners.

Clause 8 of the Bill amends section 77 of the Act to clarify that the Commissioner is not subject to section 17(1)(c)(ii) of the *Public Sector (Honesty and Accountability) Act 1995* when making a delegation under section 77 because of a conflict of interest.

Section 77B of the Act will be amended to impose a time limit of 3 years for lodging a complaint, however, the amendment also gives the Commissioner a discretion to investigate complaints outside of that time limit. Any complaint lodged under section 77B will also have to contain particular information, such as the name of the complainant and a description of the alleged conduct that is the subject of the complaint.

The final amendment to section 77B addresses the issue of vexatious complainants. Under section 39 of the *Supreme Court Act*, the Court can, if satisfied that a person has persistently instituted vexatious proceedings, make an order prohibiting the person from instituting further proceedings without permission of the Court and/or make an order staying proceedings already instituted by that person. An order under this section either remains in force for a fixed period or it is ongoing until it is revoked.

Under the Act as amended, a complaint about the conduct of a legal practitioner or former legal practitioner may be made to the Commissioner under section 77B of the Act or it may be made directly to the Legal Practitioners Disciplinary Tribunal under section 82.

A person who has been declared to be vexatious by the Supreme Court would be prohibited from lodging a complaint with the Legal Practitioners Disciplinary Tribunal without the permission of the Court because the Tribunal is a 'prescribed court' for the purposes of section 39 of the *Supreme Court Act*. However, there is nothing in the Act currently to prevent a complainant who has been declared vexatious from continuously lodging complaints with the Commissioner, requiring the Commissioner to waste valuable time and resources in dealing with the complaint.

Proposed new subsection 77B(3b) provides that a person may not make a complaint to the Commissioner if the person is subject to an order under section 39 of the *Supreme Court Act*. A transitional provision will allow the Commissioner to close any complaints already lodged by a vexatious complainant.

Section 77K of the Act will be amended to clarify the nature of an appeal to the Tribunal against a determination of the Commissioner. It is clear that an appeal to the Supreme Court from the Tribunal is by way of a rehearing. Rule 286(1) of the *Supreme Court Civil Rules 2006* provides that 'an appeal is by way of rehearing (unless the law under which the appeal is brought provides to the contrary)'. The position in relation to an appeal from a determination of the Commissioner to the Tribunal is less clear.

The amendment to section 77K provides that an appeal to the Tribunal will be way of a rehearing during which the Tribunal must, in reaching the correct or preferable decision, have regard to, and give appropriate weight to the determination of the Commissioner. The amendment also sets out the procedure on a rehearing which is to include an examination of the evidence or material before the Commissioner and a consideration of any further evidence or material that the Tribunal decides, in the circumstances of the case, to admit for the purposes of rehearing the matter.

Finally, the Bill makes two amendments to Division 6 Part 6 of the Act. Division 6 establishes the public Register of Disciplinary Action and sets out provisions regulating the publication of disciplinary action taken against legal practitioners by the Commissioner.

The first amendment inserts a new subparagraph into the definition of 'disciplinary action' in section 89B of the Act. In effect, new subparagraph (ab) means that the Commissioner will be able to publish on the Register of Disciplinary Action, the name of any legal practitioner who has had his or her practising certificate suspended by an order of the Supreme Court.

The second amendment gives the Commissioner the power to cause information about disciplinary action to be removed from the Register of Disciplinary Action in the circumstances prescribed by regulation (if any). This will provide some discretion for the Commissioner, after consideration of the need to protect consumers from rogue lawyers, to remove a practitioner's name from the Register after a period of time where the conduct is considered to be at the lower end of the scale.

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 *Legal Practitioners Act 1981*

4—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act and inserts definitions that are consequential on the proposed amendments relating to incorporated legal practices.

5—Amendment of section 5A—Terms relating to associates and principals of law practices

This clause makes amendments to section 5A of the principal Act to expand the meaning of an associate of a law practice to include a legal practitioner who is a legal practitioner director in an incorporated legal practice that is a member of the law practice (in the case of a firm of incorporated legal practices or a firm of legal practitioners and incorporated legal practices).

6—Amendment of section 53—Duty to deposit trust money in combined trust account

This clause amends section 53(6) of the principal Act to extend the application of the provision to firms of incorporated legal practices or firms of legal practitioners and incorporated legal practices.

7—Insertion of section 67AB

This clause inserts proposed section 67AB into the principal Act.

67AB—Application of Part

Proposed section 67AB operates to ensure that Part 6 does not apply to the conduct of the various categories of legal practitioners or former legal practitioners specified.

8—Amendment of section 77—Delegation

This clause amends section 77 of the principal Act to provide that for the purposes of section 17(1)(c)(ii) of the *Public Sector (Honesty and Accountability) Act 1995*, delegation by the Commissioner of a function or power under this section because of a pecuniary or other personal interest that conflicts or may conflict with the Commissioner's duties does not constitute taking action in relation to the matter the subject of the delegation.

9—Amendment of section 77B—Investigations by Commissioner

This clause amends section 77B of the principal Act to specify certain matters that must be set out in a complaint. The clause inserts a provision to prevent a person from making a complaint who is subject to an order under section 39 of the *Supreme Court Act 1935*. A complaint must be made to the Commissioner within 3 years of the conduct that is the subject of the complaint or such longer period as the Commissioner may allow.

10—Amendment of section 77D—Notification of complaint to practitioner

This clause amends section 77D of the principal Act to ensure that the requirement to give notice under section 77D(1)(c) does not apply in relation to a determination not to investigate, or to close, a complaint.

11—Amendment of section 77H—Report on investigation

This clause amends section 77H of the principal Act so that the requirement for the Commissioner to pass on information or evidence to the Crown Solicitor in relation to a possible criminal offence is only mandatory in respect of information or evidence suggesting that a serious criminal offence has been committed.

12—Amendment of section 77K—Appeal against determination of Commissioner

This clause inserts proposed subsections (3a) to (3c) (inclusive). The proposed subsections set out that the Tribunal will, in exercising its review jurisdiction, examine the determination of the Commissioner by way of rehearing and set out the procedures to be followed on the rehearing.

13—Amendment of section 77N—Investigation of allegation of overcharging

This clause amends section 77N of the principal Act to extend the obligation to report or give notice of certain specified matters to the client to whom the bill that is the subject of the complaint of overcharging was delivered (if that client is not the complainant).

14—Amendment of section 84—Powers of Tribunal

This clause makes amendments to ensure that the power of the Tribunal to receive or adopt evidence taken by a court of any State extends to a court or tribunal of any State or the Commonwealth.

15—Amendment of section 89B—Definitions

This clause amends the definition of *disciplinary action* for the purposes of Part 6 Division 6 of the principal Act.

16—Amendment of section 89C—Register of Disciplinary Action

This clause amends section 89C of the principal Act to enable the Commissioner to remove information about disciplinary action from the Register of Disciplinary Action in circumstances prescribed by the regulations (if any).

17—Amendment of Schedule 1—Incorporated legal practices

This clause inserts new clauses 3A, 4A and 5A into Schedule 1. Proposed clause 3A states that subject to the principal Act, an incorporated legal practice may practise in partnership with another incorporated legal practice or a legal practitioner (or both). Proposed clauses 4A and 5A set out the notice required to be given by an incorporated legal practice according to the range of circumstances set out in the proposed clauses.

18—Amendment of Schedule 2—Trust money and trust accounts

This amendment is consequential on the proposed amendments relating to incorporated legal practices.

19—Amendment of Schedule 3—Costs disclosure and adjudication

This amendment is consequential on the proposed amendments relating to incorporated legal practices.

20—Amendment of Schedule 4—Investigatory powers

This amendment is consequential on the proposed amendments relating to incorporated legal practices.

21—Insertion of Schedule 5

This clause inserts Schedule 5 into the principal Act. The proposed Schedule establishes transitional arrangements relating to complaints made by persons who were, at the time of making the complaint, subject to an order under section 39 of the *Supreme Court Act 1935*.

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

SUMMARY OFFENCES (DECLARED PUBLIC PRECINCTS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:03): 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.

As part of its commitment to providing safe communities and creating a vibrant city, the Government is introducing the *Summary Offences (Declared Public Precincts) Amendment Bill 2016*.

The Bill provides for the declaration of public precincts, for a specified time, where there is a reasonable likelihood of conduct occurring in the area that would pose a risk to public order and safety. For example, in areas such as Hindley Street on Friday and Saturday nights, the combination of alcohol, large groups of people and a high concentration of licenced premises creates situations that can very quickly escalate into violence.

A declaration can be made by the Attorney-General on his or her own motion or on the recommendation of the Commissioner of Police. The declaration would be gazetted and would operate for a specified period, which must be no longer than 12 hours within a 24 hour period, on both a recurring basis, for example, Hindley Street or Rundle Street on Friday and Saturday nights, and on an as-needs basis, for example, Gouger Street during the Chinese New Year.

A declaration will mean that police will have enhanced powers within the declared public precinct to effectively manage inappropriate behaviour as it happens.

Under proposed new section 66O, police will have the power to order a person or a group of persons to leave a declared public precinct if the officer believes or apprehends on reasonable grounds that an offence of a kind that may pose a risk to public order and safety has been, or is about to be committed, or the presence of the person or group of persons, poses a risk to public order and safety. A person who remains within the precinct, or re-enters or attempts to re-enter, the precinct during the declared public precinct period can be charged with an offence and faces a maximum fine of $1,250 if found guilty.

Similar powers to those used to bar a person from licensed premises will also apply to a declared public precinct so that police can bar a person from a precinct for the period that it is declared public precinct. Proposed new section 66T provides that a police officer may bar a person from entering or remaining within the declared public precinct if the person commits an offence of a kind that may pose a risk to public order and safety or behaves in an offensive or disorderly manner. The police officer may also chose to bar the person from entering or remaining within any other declared public precinct specified in the order for a period specified in the order. However, the barring order may only operate during the declared public precinct period for that precinct and it may not extend beyond 24 hours after the time of the order. The maximum penalty for an offence under this section is a $2,500 fine.

Proposed new section 66P of the Bill allows police to serve an expiation notice on a person within a declared public precinct if the person is behaving in an offensive or disorderly manner. As is the case with the similar offence in section 117A of the *Liquor Licensing Act 1997*, because the offence is expiable, it will not apply to any behaviour involving violence or a threat of violence. Offences of a violent, or potentially violent, nature should be dealt with under existing offence provisions in the *Summary Offences Act 1953* and should not be expiable.

The Bill also makes it an offence to carry an offensive weapon or dangerous article in a declared public precinct without lawful excuse. Currently, section 21C(3) imposes higher penalties for carrying an offensive weapon or a dangerous article without lawful excuse if the offensive weapon or dangerous article is carried at night while in, or apparently attempting to enter or leave licensed premises or the car park of licensed premises. The maximum penalty for such an offence is $10,000 or imprisonment for 2 years.

The aggravated offence was introduced a number of years ago because there is a higher than usual risk of violence and anti-social behaviour in and around licensed premises at night time. As similar concerns arise in relation to public precincts, particularly those with a high proportion of licensed premises on Friday and Saturday nights, the aggravated offence has been extended to apply to declared public precincts.

Police powers to carry out metal detector searches and to carry out general drug detection under section 52A of the *Controlled Substances Act* have also been extended to a declared public precinct. A police officer will be

authorised, for the purposes of detecting the commission of an offence under Part 3A of the *Summary Offences Act* or new section 66Q, to carry out a search of a person, and any property in the possession of the person, if the person is in a declared public precinct. If the metal detector search indicates the presence of metal, the officer may require the person to produce the items detected by the metal detector and, if the person refuses or fails to produce any such item, the officer may proceed to conduct a search of the person for the purpose of identifying the item. Such a search may be conducted as if it were a search of a person who is reasonably suspected of having, on or about his or her person, an object possession of which constitutes an offence. An officer will also be able to undertake general drug detection which includes the use of drug detection dogs.

Finally, the Bill gives police the power to remove children from declared public precincts, utilising the powers of removal under section 16 of the *Children's Protection Act 1993* if the child is, in the opinion of the police officer, in a situation of serious danger. A child is in a situation of serious danger if the child is: in danger of being physically harmed or injured; or in danger of abuse (including assault and sexual assault, ill treatment and exposure to behaviour that may cause psychological harm to the child); or behaving in an offensive or disorderly manner or is otherwise committing or about to commit an offence.

The proposed amendments are intended to give police more flexibility to deal proactively with anti-social behaviour and public disorder, particularly alcohol related disorder, before more serious offending occurs, without unnecessary intrusion on personal rights. This will enhance the vibrancy of entertainment precincts like Hindley Street by attracting more law-abiding patrons, and reducing the number of patrons charged with public order offences, which in turn reduces the strain on the criminal justice system.

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 *Summary Offences Act 1953*

4—Amendment of section 4—Interpretation

This clause provides definitions of *declared public precinct* and *declared public precinct period* for the purposes of the measure.

5—Insertion of Part 14B

This clause inserts a new Part 14B into the *Summary Offences Act 1953* as follows:

Part 14B—Declared public precincts

Division 1—Declared public precincts

66L—Limitation on action

This clause provides that the powers granted in the Part must not be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest, dissent or industrial action.

66M—Public order and safety

This clause provides an inclusive definition of *public order and safety* for the purposes of the measure.

66N—Declaration of public precinct

This clause provides that the Attorney-General may, by notice in the Gazette, declare a defined area comprised of 1 or more public places to be a declared public precinct for a period, or periods, specified in the declaration. A declaration may be made if the Attorney-General is satisfied that there is, during the period or periods specified in the declaration, a reasonable likelihood of conduct in the area posing a risk to public order and safety and that the declaration is reasonable having regard to the risk. An area may not be a declared public precinct for more than 12 hours in any 24 hour period unless the Attorney-General is satisfied that special circumstances exist in the particular case

Division 2—Maintaining public order and safety in declared public precinct

66O—Request to leave declared public precinct

This clause gives a police officer power to order that a person or persons leave a declared public precinct if the police officer believes or apprehends on reasonable grounds that an offence of a kind that may

pose a risk to public order and safety has been, or is about to be, committed by that person or by one or more of the persons in the group or the presence of that person, or of the group of persons, poses a risk to public order and safety.

It will be an offence for a person, having been ordered to leave a declared public precinct, to remain in the precinct or re-enter or attempt to re-enter the precinct.

66P—Offensive or disorderly conduct

This clause provides that a person must not behave in an offensive or disorderly manner within a declared public precinct. A maximum penalty of $1,250 will apply with an expiation fee of $250.

66Q—Offensive weapons and dangerous articles

This clause provides that a person must not, without lawful excuse, carry an offensive weapon or dangerous article within a declared public precinct. A maximum penalty of $10,000 or imprisonment for 2 years is fixed.

66R—Power to conduct metal detector searches etc

This clause provides for police, for the purpose of detecting the commission of an offence under clause 66Q or Part 3A of the *Summary Offences Act 1953*, to carry out a search in relation to a person within a declared public precinct (and their property). Such a search must be a metal detector search in the first instance which, if that search indicates the presence or likely presence of metal, will lead to the requirement to produce the metal items or a search of the person if no metal items are produced by the person.

66S—Power to carry out general drug detection

This clause provides that a police officer may carry out general drug detection under the *Controlled Substances Act 1984* in relation to any person present within a declared public precinct.

66T—Declared public precinct barring order

This clause provides that a police officer may bar a person from entering or remaining within the declared public precinct for a period specified in the order and may also bar the person from entering or remaining within any other declared public precinct specified in the order for a period specified in the order if the person commits an offence of a kind that may pose a risk to public order and safety, or behaves in an offensive or disorderly manner, within a declared public precinct.

A person who enters or remains within a declared public precinct from which he or she is barred under this section will be guilty of an offence with a maximum penalty of $2,500 fixed.

66U—Hindering police

This clause provides an offence of hindering or obstructing a police officer in the exercise of the powers conferred by clause 66R or clause 66S and also of refusing or failing to comply with a requirement made of the person, or a direction given to the person, pursuant to clause 66R or clause 66S.

Division 3—Power to remove children from dangerous situations

66V—Power to remove children from dangerous situations

This clause provides that a minor who is in a declared public precinct will be taken, for the purposes of section 16 of the *Children's Protection Act 1993*, to be in a situation of serious danger if the minor is, in the opinion of a police officer in danger of being physically harmed or injured, in danger of abuse or behaving in an offensive or disorderly manner or otherwise committing or about to commit an offence.

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

INTERVENTION ORDERS (PREVENTION OF ABUSE) (RECOGNITION OF NATIONAL DOMESTIC VIOLENCE ORDERS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (18:04): 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.

The Government is pleased to introduce the *Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Bill 2016*.

Too often, victims of domestic violence are forced to flee their homes and conceal their whereabouts in another state in attempts to escape situations of abuse. It is vital these people are able to access protection from abuse regardless of where they are in Australia. This Bill represents South Australia's commitment, together with that of all jurisdictions at the Council of Australian Governments (COAG), to develop a National Domestic Violence Order Scheme to provide for the automatic recognition and enforcement of domestic and family violence orders in any State or Territory in Australia.

The commitment to the prevention of domestic violence is one that the South Australian Government takes very seriously. Domestic violence is a multi-faceted issue that affects a significant number of people from all sections of the community. It is a serious crime that will not be tolerated.

The Government has enacted a number of laws and programs that seek to deter domestic violence offending, improve the safety of victims and hold perpetrators to account.

For example, the Women's Domestic Violence Court Assistance Service, which commenced in 2015, provides a greater level of support for women who are victims of domestic violence in navigating the court process and increasing their access to justice. The service is State-wide and offers free and confidential support and advocacy on behalf of women who may have difficulty applying for an intervention order or reporting a breach of an intervention order.

The *Residential Tenancies Act 1995* was also recently amended to protect victims of domestic violence who are renting their homes. These reforms, which commenced on 10 December 2015, assist people living in rental properties with their abusive partner to terminate the rental agreement without facing further financial penalties.

Further, all State Government departments have committed to White Ribbon Accreditation. This builds upon the implementation of domestic violence policies that are already in place across departments.

The use of protection orders is a vital tool in the prevention of domestic violence and the protection of domestic violence victims. In South Australia, the laws for the restraint of domestic and personal violence are contained in the *Intervention Orders (Prevention of Abuse) Act 2009* ('the Intervention Orders Act'). The Intervention Orders Act reformed the previous system of domestic and personal restraining orders by creating a new type of order, called an 'intervention order', and broadening the range of people that can be protected by these orders.

An intervention order is a civil order that can be issued by a police officer or the Magistrates Court if it is reasonable to suspect that the defendant will, without intervention, commit an act of abuse against a person and the issuing of the order is appropriate in the circumstances. The Act provides protection not only from physical forms of violence, but also emotional or psychological harm and an unreasonable and non-consensual denial of financial, social or personal autonomy. The terms of an intervention order can include any form of restraint that is needed to protect the victim from abuse. For example, the order may prohibit the defendant from being on, or within, premises at which the protected person works or resides. It may also prohibit the defendant from damaging specified property and may even require the defendant to return property or take part in an appropriate intervention program.

All jurisdictions have similar legislation that allow for the issue of an order to protect victims of domestic violence ('a DVO'). At present, each jurisdiction's legislation also has a provision that allows DVOs issued by a court in one jurisdiction to be registered and enforced in another jurisdiction. Once registered, the DVO is recognised and enforceable in that jurisdiction as if it had been made there. This is largely an administrative process, however, it is recognised that, for victims, this is an additional process that can be stressful as it involves some contact with the court system.

Legislation to support the automatic recognition of DVOs across Australia was developed by the National Domestic Violence Order Scheme Working Group, which comprised representatives from police services, Attorneys'-General Departments and courts from each State and Territory.

The *Domestic Violence Orders (National Recognition) Model Provisions Bill* ('the Model Provisions') was endorsed by Ministers at the Law Crime and Community Safety Council meeting in November 2015 and by COAG at its meeting of 11 December 2015. The Model Provisions reflect the following agreed policy principles:

1. A DVO made anywhere in Australia, or a New Zealand DVO registered anywhere in Australia, is nationally recognised and enforceable.
2. A DVO that is nationally recognised can be amended in any jurisdiction, but only by a court.
3. If a DVO made in one jurisdiction is in force, a new order can (if necessary) be made in another jurisdiction, but only by a court.
4. The latest order in time prevails.

The Bill before the House is substantially in the form of the Model Provisions. It inserts a new Part 3A into, and makes a number of consequential amendments to, the Intervention Orders Act to enable the automatic recognition and enforcement of interstate DVOs in South Australia.

Clause 5 of the Bill inserts a new section 15A into the Intervention Orders Act to ensure any intervention order issued after the commencement of this legislation includes a declaration that the order addresses a domestic

violence concern. This provision is important because the national domestic violence order scheme is to only apply to DVOs, and an intervention order in South Australia can be issued for acts of domestic violence as well as for acts of personal violence.

Relevant definitions and other preliminary matters are set out in Division 1 of new Part 3A. Division 2 contains provisions for the national recognition of DVOs.

Subdivision 1 provides that a DVO is enforceable under the new provisions if it is a 'recognised DVO'. A recognised DVO is defined in proposed section 29D as a local DVO, an interstate DVO and a registered foreign order. In South Australia, a local DVO includes a final intervention order and an interim intervention order (including an interim intervention order issued by police). A DVO becomes a recognised DVO when it is made.

Proposed section 29E deals with variations of DVOs based on the principle that a variation to a recognised DVO can be done by a court in any jurisdiction. Similarly, proposed section 29F provides for the revocation of recognised DVOs by a court in any participating jurisdiction. For example, a variation to, or a revocation of, an intervention order will be a recognised and enforceable variation in South Australia and all other jurisdictions regardless of whether the variation or revocation is done under the Intervention Orders Act in South Australia or in a participating jurisdiction by a court under a corresponding law.

Proposed section 29G implements the agreed policy principle that the latest order in time prevails. Under this section, a new recognised DVO that is enforceable against a defendant will supersede any comparable recognised DVO or local DVO made earlier than the new DVO. However, this is qualified by sub-section (7), which provides that a police issued DVO cannot override a comparable DVO made by a court (i.e. where the DVO relates to the same defendant and protected person).

The Bill also provides, in proposed section 29H, that a court may make a new local DVO even though there is a recognised DVO in force that applies to the same defendant. However, police in South Australia will only be able to issue a police interim intervention order if they are unaware that there is already a court issued recognised DVO that is enforceable against the defendant which applies to the same defendant and protected person and was made by a court of any jurisdiction.

Subdivision 2 of Division 2 deals with the enforcement of recognised DVOs. These provisions make it clear that a recognised DVO, or a recognised variation of a DVO, will be enforceable against the defendant in any participating jurisdiction provided the defendant has been properly notified of the making of the order.

Currently in South Australia, a defendant is properly notified of the making of an intervention order if a copy of the order is served on the defendant personally or in some other manner authorised by the Court. The Bill contains consequential amendments to the Intervention Orders Act to provide that service is also effected if the intervention order is made by the Court and the defendant is present in Court when the order is made. Proposed section 29J also provides, in sub-section (2), that the making of an interstate order is properly notified under the corresponding law of the jurisdiction in which it is made in the circumstances provided for by the corresponding law.

Sub-division 3 sets out provisions relating to the enforcement of non-local DVOs in South Australia. Pursuant to proposed section 29L, a non-local DVO that is a recognised DVO will be treated the same as an intervention order in South Australia. This means that any prohibition, restriction or condition imposed by a non-local DVO will be recognised in South Australia for the purposes of enforcement. Therefore, a breach of a non-local DVO that is a recognised DVO in South Australia will be prosecuted as if it were a breach of a South Australian intervention order.

Proposed section 29N also provides for the recognition of any conditions restricting the grant of a particular permit or licence, such as a firearms licence. For example, if a recognised non-local DVO disqualifies a person from holding a non-local firearms licence, the person is also disqualified from holding a local firearms licence.

Division 3 deals with the variation and revocation of recognised non-local DVOs. Under these provisions, the Magistrates Court in South Australia will have the power to vary or revoke a recognised DVO that has been issued in another jurisdiction as if it were a local DVO. Any variation or revocation made by the Court under these provisions will be recognised and enforceable in any participating jurisdiction.

Proposed section 26R provides safeguards against 'forum shopping' by providing the Court the power to decline to hear an application for a variation or revocation of a recognised non-local DVO. The Court may decline to hear an application if satisfied there has been no material change in the circumstances that gave rise to the order and that the application is in the nature of appeal against the order. Sub-section (2) also sets out a list of matters the Court may consider in determining whether or not to hear an application. For example, the Court may consider where the parties reside or work, whether there is sufficient information available to the Court in relation to the DVO and the basis on which it was made, whether there are proceedings underway for a breach of the DVO and the impact of the application on children.

Sub-section (5) also makes it clear that the Court must refuse to hear an application for a variation or revocation made by the defendant if the defendant would not be entitled to make such an application in the issuing jurisdiction. This provision is particularly important in the context of South Australian intervention orders and any application by a defendant to vary or revoke that order in an interstate court as, under the Intervention Orders Act, a defendant may not apply for a revocation or variation of an intervention order within the first 12 months.

Divisions 4 and 5 of the Bill contain provisions regarding the exchange of information between jurisdictions for the purpose of enforcing DVOs and the use of evidentiary certificates to certify that the making of a local DVO has been properly notified or that a variation to a DVO that was made in this jurisdiction has been properly notified under the Intervention Orders Act.

The transitional provisions are contained in Division 6 of the Bill. Under proposed section 29Z, the Bill will apply to any local DVO or foreign DVO that is made in this jurisdiction on or after the commencement date. This gives the Bill prospective application, which is necessary to ensure that any DVO captured by the scheme can be nationally enforced.

In respect of intervention orders issued before the commencement date of this legislation, or interstate orders that are not recognised DVOs, the transitional provisions provide a process for bringing these orders within the scope of the national scheme. Under Subdivision 4, the Court may, by order, declare any DVO made in any jurisdiction to be a recognised DVO in this jurisdiction. A person who wishes to have their order recognised under the national scheme can apply to the Court for a declaration that the DVO is a recognised DVO.

The success of the national scheme relies upon a national information sharing system that police and courts will be able to use for evidentiary and enforcement purposes. Although COAG has agreed to develop a national information sharing system that will allow access to information in real-time and ensure a high standard of data integrity, the implementation of this system is still a number of years away.

In the short-term, COAG has agreed to an interim technical solution that will provide police and courts with access to information on all DVOs that have been issued. The interim information system will provide basic data about DVOs. Courts and police in South Australia will still have to confirm information about DVOs made in other jurisdictions with the relevant jurisdiction.

The Bill will therefore commence on proclamation to allow time for the implementation of the interim information system.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal. The primary purpose of this Bill is to give effect to the South Australian component of a national recognition scheme for domestic violence orders. Proposed Part 3A incorporates model provisions that were approved by the Council of Australian Governments on 11 December 2015.

Part 2—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

4—Amendment of section 3—Interpretation

The proposed amendments are consequential on the insertion of new Part 3A.

5—Insertion of section 15A

New section 15A is necessary to be inserted because intervention orders issued under the South Australian Act may be issued for a variety of reasons, including domestic abuse. Only those intervention orders that relate to domestic abuse or a domestic violence concern are part of the scheme for national recognition.

15A—Declaration that intervention order addresses domestic violence concern

New section 15A provides that, whenever an issuing authority issues an intervention order, the issuing authority must decide whether the order addresses a domestic violence concern and, if so, must declare the order to be an order that addresses a domestic violence concern. The declaration must be included in the order. An intervention order will be taken to address a domestic violence concern for the purposes of proposed Part 3A if the order is made because the defendant has committed, or because it is feared the defendant will commit, an act of domestic abuse.

6—Amendment of section 21—Preliminary hearing and issue of interim intervention order

7—Amendment of section 23—Determination of application for intervention order

8—Amendment of section 24—Problem gambling order

9—Amendment of section 26—Intervention orders

The amendments proposed to sections 21, 23, 24 and 26 are all similar and provide that, for the purposes of each of the relevant sections, an order is served on the defendant if—

- the order is served on the defendant personally; or
- the order is served on the defendant in some other manner authorised by the Court; or
- the defendant is present in the Court when the order is made.

These proposed amendments will bring the principal Act into line with the proposed new Part 3A.

10—Insertion of Part 3A

Part 3A—National recognition of domestic violence orders

Division 1—Preliminary

29A—Interpretation

Proposed section 29A sets out definitions for the purposes of the proposed Part.

29B—Registered foreign orders

This proposed section makes provision for registered foreign orders. A registered foreign order means a foreign order made under a corresponding law of other States and Territories. A registered foreign order is taken to be made in the jurisdiction in which it is registered and is taken to have been made when it is so registered. If the registration of the order is varied or revoked, then the order is varied or revoked.

29C—Domestic violence concern

Western Australia (like South Australia) does not have a distinct category of domestic violence orders. Therefore, to distinguish domestic violence orders from other orders for the protection of persons in those States, the definition of *interstate DVO* (when referring to orders from those States) is limited to orders that address domestic violence concerns. The section sets out when an order will be taken to address a domestic violence concern in a participating jurisdiction (and see new section 15A for South Australian purposes).

Division 2—National recognition of DVOs

Subdivision 1—General principles

29D—Recognition of DVOs

Proposed section 29D sets out that a *recognised DVO* means a local DVO, an interstate DVO made in a participating jurisdiction (being South Australia or another jurisdiction that has enacted provisions that correspond with proposed Part 3A (a *corresponding law*)) or a foreign order that is a registered foreign order in any participating jurisdiction.

29E—Variations to DVOs

29F—Revocation of recognised DVO

Proposed sections 29E and 29F set out the circumstances in which a variation to, or revocation of, a recognised DVO is recognised in this State. In the case of a local DVO, the variation or revocation is recognised if it is done in accordance with the principal Act or it is done by a court in a participating jurisdiction under a corresponding law. In the case of an interstate DVO or foreign order, the variation or revocation is recognised if it is done in the issuing jurisdiction under the law of that jurisdiction or it is done in a participating jurisdiction under a corresponding law. A variation to a DVO that is recognised in this State is a recognised variation.

29G—Recognised DVO prevails over earlier comparable DVOs

Proposed section 29G provides that a recognised DVO that is newer than an earlier comparable recognised DVO supersedes the earlier recognised DVO. A DVO is comparable if it is made against the same defendant and it is made for the protection of 1 or more of the same protected persons.

29H—Making of new orders

Proposed section 29H provides that proposed Part 3A does not prevent the making of a local DVO even if a recognised DVO is in force that applies to the same defendant. However, a police officer is not to make a local DVO if the police officer is aware that there is already a recognised DVO that is enforceable against the defendant which applies to the same defendant and protected person and was made by a court of any jurisdiction.

Subdivision 2—Enforcement of recognised DVOs

29I—Recognised DVOs and variations are enforceable against defendant

Proposed section 29I provides that both a recognised DVO and a recognised variation to a recognised DVO are enforceable in this State.

29J—Properly notified—meaning

Proposed section 29J sets out the circumstances in which a defendant is taken to be properly notified about the making of a local DVO or an interstate DVO, or about the variation of a recognised DVO.

29K—Contravention of enforceable recognised DVO

Proposed section 29K provides that a non-local DVO (being an interstate DVO or a foreign DVO) that is a recognised DVO and (under proposed section 29I) is enforceable in this State may be enforced as if it were a local DVO and as if the defendant had been properly notified in this State about the making of the DVO. It also provides for the circumstances in which a variation may be enforced in this State.

Subdivision 3—Enforcement of non-local DVOs

29L—Non-local DVO to be treated as local DVO

Proposed section 29L provides that a recognised DVO that is a non-local DVO has the same effect in South Australia as a local DVO.

29M—Licences, permits and other authorisations

Proposed section 29M provides that any law of South Australia that limits a person's ability to hold an authorisation (such as a licence or permit) because the person is subject to a local DVO extends in the same way to a person who is subject to a recognised non-local DVO.

29N—Recognition of disqualification to hold firearms licence

Proposed section 29N provides that if a person is disqualified from holding a non-local firearms licence, or type of non-local firearms licence, the person is also disqualified from holding a local firearms licence or permit of the same type (as the case requires) under South Australian law.

29O—Orders for costs

Proposed section 29O provides that non-local DVO, to the extent that it requires the payment of money, cannot be enforced in South Australia and that the recognition of a DVO in this State does not permit a South Australian court to award costs in respect of proceedings occurring in another jurisdiction.

Division 3—Variation and revocation of recognised non-local DVOs

29P—Power of Court to vary or revoke recognised non-local DVOs

Proposed section 29P sets out when the Court can vary or revoke a recognised non-local DVO.

29Q—Application for variation or revocation of recognised non-local DVO

Proposed section 29Q sets out the circumstances in which an application can be made to the Court for the variation or revocation of a recognised non-local DVO.

26R—Decision about hearing of application

Proposed section 26R provides the Court with a discretion to hear or decline to hear an application for the variation or revocation of a recognised non-local DVO. However, the Court must refuse to hear the application if made by the defendant during any period in which the defendant is not entitled to apply for the variation or revocation of the DVO in the jurisdiction in which the DVO was issued.

Division 4—Exchange of information

29S—Issuing authorities may obtain DVO information

Proposed section 29S permits a South Australian issuing authority to obtain and use information from an issuing authority of another jurisdiction, or from a State or interstate law enforcement agency.

29T—Issuing authorities must provide DVO information

Proposed section 29T requires a South Australian issuing authority to provide, on request, information about the DVO to a court in a participating jurisdiction for the purposes of a corresponding law or to a State or interstate law enforcement agency for the purposes of its law enforcement functions.

29U—Law enforcement agencies may obtain DVO information

Proposed section 29U permits South Australia Police to obtain information about a DVO from an issuing authority (in this State or another jurisdiction) or interstate law enforcement agency and to use the information for the purposes of its law enforcement functions.

29V—Information to be provided to law enforcement agencies

Proposed section 29V requires South Australia Police to provide, on request, information about a DVO to an interstate law enforcement agency for the purpose of exercising its law enforcement functions.

Division 5—Miscellaneous

29W—Certificate evidence—notification

Proposed section 29W permits certificates to be issued stating that the making of, or variation to, a DVO has been properly notified in this State or another jurisdiction. The certificate is admissible in evidence in proceedings.

Division 6—Transitional provisions

Subdivision 1—Preliminary

29X—Interpretation

Proposed section 29X inserts a definition of commencement date for the purposes of the proposed Division. The commencement date is the day on which proposed Part 3A commences.

29Y—Enforcement of DVOs under other provisions

Proposed section 29Y provides that proposed Part 3A does not affect the enforceability in this jurisdiction of a local DVO made before the commencement date or of any interstate DVO or foreign order registered under Part 4 of the principal Act before the commencement date except as otherwise provided under the proposed Part.

Subdivision 2—DVOs to which scheme applies

29Z—DVOs made in this jurisdiction

29ZA—DVOs made in other jurisdictions

Proposed sections 29Z and 29ZA provide that Division 2 (National recognition of DVOs) of proposed Part 3A will apply to all local DVOs and foreign orders made in South Australia on or after the commencement date and to all DVOs made in other participating jurisdictions that are recognised DVOs under that jurisdiction's corresponding law.

Subdivision 3—Extension of scheme to older DVOs

29ZB—DVOs declared to be recognised DVOs

Proposed section 29ZB provides that recognised DVOs include any DVO that has been declared by the Court, or a registrar of a court of another participating jurisdiction, to be a recognised DVO.

29ZC—DVOs declared to be recognised in other jurisdictions before commencement date

Proposed section 29ZC states that the DVO is still recognised even if the relevant declaration was made before the commencement date.

Subdivision 4—Power to declare DVO to be recognised

29ZD—Power to declare DVO to be recognised

Proposed section 29ZD permits the Court to declare that a DVO made in any jurisdiction is a recognised DVO in this jurisdiction.

29ZE—Application for order

Proposed section 29ZE provides that an application for a declaration may be made by any person who would be able to make an application for variation of the DVO if the DVO were a recognised DVO.

29ZF—Declarations relating to general violence orders

Proposed section 29ZF provides that a declaration that a general violence order is a recognised DVO may be made as if the order were a DVO.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

PUBLIC INTOXICATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Introduction and First Reading

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

At 18:06 the council adjourned until Thursday 7 July 2016 at 14:15.

Answers to Questions

NATIONAL EMERGENCY ACCESS TARGET

In reply to **the Hon. D.G.E. HOOD** (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):

1. The three major emergency departments at the Royal Adelaide Hospital, Flinders Medical Centre and the Lyell McEwin Hospital will be staffed in accordance with the standard requirements set out in the relevant enterprise agreements.

These hospitals will have senior doctors and nurses on-site 24/7 to ensure rapid decision-making. People with complex, life-threatening conditions will have the medical attention they need, including access to specialist clinicians, the equipment needed for diagnostic tests, quick test results and the support services needed for a speedy recovery. This will reduce delays to decisions and treatments.

People with urgent but less serious conditions will be able to be seen more quickly at Noarlunga Hospital, Modbury Hospital and The Queen Elizabeth Hospital, because staff will be skilled and experienced with the urgent treatments needed, and not called away to the more complex, life-threatening situations that are better treated at the major emergency department sites.

2. SA Health has developed and brought in strategies to maintain and support existing emergency departments to meet the demands and needs of the public, and is taking practical steps to improve performance against the Emergency Department Access Target (formerly called the NEAT) for the percentage of visits completed within four hours.

Strategies include increasing capacity at metropolitan hospitals and, in preparation for the winter period, developing SA Health's comprehensive Winter Demand Management Plan. Initiatives implemented under the Winter Demand Management Plan included:

- Postponement of some non-urgent elective surgery.
- Transfer of appropriate patients from metropolitan to country hospitals.
- Discussing alternative care options with patients who present to emergency departments with non-life threatening conditions.

These strategies have been successful in our emergency departments, including at the three sites which will be developed as major emergency departments under Transforming Health.

For the period July 2015 to November 2015, the average visit time reduced by 15 per cent at Flinders Medical Centre (a reduction of 46 minutes), 22 per cent at Lyell McEwin Hospital (an 80 minute reduction), and 6 per cent at the Royal Adelaide Hospital (a 22 minute reduction), compared to the same period in 2014.

Performance against the Emergency Access Target improved by 5 per cent at Flinders Medical Centre (61 per cent achievement), 8 per cent at the Lyell McEwin Hospital (54 per cent achievement), and 2 per cent at the Royal Adelaide Hospital (51 per cent achievement), compared to the same period in 2014.

SA Health is also working on the development of standard models of care to support the flow of patients through emergency departments and reduce blockages. One important element will be the early assessment of patients by a senior clinician to ensure early decision making and reduce patient care delays.

SA WATER

In reply to **the Hon. J.M.A. LENSINK** (17 May 2016).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change):

As reported in The Advertiser on 17 May 2016:

- 2012-13—$9,214
- 2013-14—$23,911
- 2014-15—$69,327

SA WATER

In reply to **the Hon. J.A. DARLEY** (18 May 2016).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change):

1. A contractor engaged by DPTI was endeavouring to bore under North Terrace. The contractor bored through the existing water main on the northern side of North Terrace, causing the main to burst.

2. No.

3. The problem was not caused by SA Water.