LEGISLATIVE COUNCIL

Thursday, 3 November 2016

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:02 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (11:03): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 pm

Motion carried.

Bills

STATUTES AMENDMENT (BUDGET 2016) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2016.)

The Hon. J.S.L. DAWKINS (11:03): I rise to speak on this bill. I note the contribution of the Hon. Mr Lucas in leading the debate for the Liberal Party and the significant issues he raised. I also note the generous accommodation given to me by the then acting leader of the government on the day after the blackout—the day when government departments across the city and the parliament closed down much earlier in the day than would be normal. I was asked not to give my speech so that the Appropriation Bill could proceed and I agreed to that, on the basis that I may well like to make those remarks in the budget bill debate. I appreciate the government's indication of that.

On 7 July this year the honourable Treasurer delivered what he called a jobs budget; however, the figures seem to be at odds with him on that. The Treasury's own figures have predicted a minuscule 0.75 per cent growth in employment over the next 12 months which is less than half the 1.8 per cent predicted by the Turnbull Coalition government. Last time the government delivered a jobs budget in 2015-16, employment growth was a tiny 0.5 per cent compared with the 1 per cent the government actually promised.

The honourable Treasurer also claimed to have delivered a net operating surplus for the 2015-16 financial year of $258 million; however, his own Mid-Year Budget Review had already written down the predicted surplus by $97 million. This reduced surplus has only been delivered because of the privatisation of the Motor Accident Commission. This delivered $448.5 million into state coffers this year, with a further $620.4 million to come in the forthcoming financial year. This means that the Treasurer's predicted $254 million surplus for 2016-17 actually comes up well short.

What is even more concerning is that the forecast public sector debt has increased from the $13.5 billion prediction in the Mid-Year Budget Review to $14.2 billion when we reach the peak in 2017-18. As someone who well remembers the State Bank debacle, to me, those figures are scary. Unfortunately, too many people in this place and beyond do not seem to worry about that figure, but as someone who has four grandchildren growing up, it worries the life out of me that they will face having to deal with that in the days after most of us are long gone.

These figures come despite a number of factors. Firstly, the increase in the solid waste levy will cost South Australians an extra $64 million over the next four years, with the price rising from $62 to $103 per tonne by 2019-20. Taxi, chauffeur and ride sharing trips such as Uber will now attract a $1 levy for every metropolitan trip from 2017-18. There will be a new 15 per cent tax on online gambling; a $5,000 cost per primary school student, or $6,000 cost per secondary student, for parents working in South Australia under 457 visas whose children attend public schooling. There will be an increase in GST revenue for South Australia in 2016-17 of $528 million when compared with the 2015-16 funding; and an additional $187 million in health funding from the commonwealth over the next three years.

Indeed, South Australia is the highest taxing jurisdiction in Australia, according to the Commonwealth Grants Commission's tax effort ratio. In addition, this government continues to show that it cannot even manage the public sector. Labor has failed in its commitment on the number of public sector full-time equivalents predicted in its last budget. The number of public servants has blown out by 1,613 in June this year compared with their estimate for the same period in the 2015-16 budget, and all of this is part of the Treasurer's self-described 'God's work'.

I would like to turn to police stations. The Labor government has reduced the operating hours of 10 police stations across metropolitan Adelaide. What is worse is that the Parks and Wakefield Street police stations will close following a string of local station closures by this government across metropolitan Adelaide over the last two years. The stations that have been fortunate enough to escape the wrath of the Minister for Police and the so-called SAPOL review will be reduced to a 9am to 5pm Monday to Friday arrangement. If only crime and community need could work into this Public Service mentality, but the truth is that SAPOL's own figures show the community needs access to the stations long outside these new hours.

Indeed, work that was done by my office determined that the community response, particularly in relation to the Salisbury Police Station, was that the hours of greatest use—and this came directly from SAPOL—by the public of the Salisbury Police Station were outside the hours that SAPOL had recommended for the station. This decision will hurt communities and reduce the sense of community safety across the board. Local government bodies have entered the debate fearful of the effects these cuts will have to their local areas.

In fact, the City of Salisbury passed a motion in May this year highly critical of the cuts to its local police stations that cover the significant area of that council's jurisdiction. While the content is local, the issues highlighted are the same being experienced all over South Australia. The motion read, and I quote:

2. That a submission to be submitted to the SAPOL Organisational Reform Program by 27 May 2016 outlining council's concerns with the proposed reforms summarised as follows, and requesting the Commissioner not proceed with the proposed reforms in relation to the Salisbury, Holden Hill and Golden Grove police stations:

   (a) lack of details of the specific usage data for the Salisbury, Holden Hill and Golden Grove police stations, particularly in relation to after-hours demand, that demonstrates that the local community will not be adversely affected by proposed changes in opening hours;

   (b) likely detrimental impacts on community safety , a s the presence of an operating police station impacts the real and perceived safety of a community and the relative importance of a police station isn't uniform across all offence groups and the importance of police stations in reporting crime in creases for more serious crimes;

   (c) A reduction in customer service availability, particularly for members of the community who are unable to attend a Police station during normal working hours;

   (d) A lack of rationale aligning SAPOL operating hours to other government agencies, given the unique nature of services provided by SAPOL;

   (e) Assurances are required of the numbers and extent of officers returning to frontline duty, should the proposed reduction in operating hours and the expected improvement to community safety; and

   (f) The need to maintain meaningful connections with the community via a locally-based policing presence that is accessible to the community.

This motion came from South Australia's second largest local government area by population. It is worth picking up on a couple of those points.

First, the minister in this place has talked at great length about the fact that, if we do not have police stations such as Salisbury open, as he said, at three o'clock in the morning—and no-one is suggesting that they would be open at three o'clock in the morning—if these hours of opening for a lot of the police stations were reduced, we would get more officers out on the beat, canvassing around their various LSA areas.

What we have not been told—certainly I have not been told, and I do not think anybody has been told—is the extent to which we will get officers returning to front-line duties, as is the phrase used by the minister and SAPOL, rather than being at a desk, as the minister has told us in this chamber on many occasions.

Point (f) is another one that I need to pick up on, too. The minister in this chamber and Chief Superintendent Bob Fauser, who has been in charge of the SAPOL reform program, were both interviewed on ABC 891 at the same time as I was. The minister was obviously unhappy with what Chief Superintendent Fauser was doing because he (the minister) decided to come on over the top of him. Both of them have used, what I would call, 'weasel words' that do not provide a guarantee that police officers, where appropriate, will be able to assist a range of community groups, as part of their employed position, in their work time.

The minister was probably longer in his phrase about it, and less definitive. I well remember Chief Superintendent Fauser saying that it was if SAPOL officers choose to engage with community groups. Basically, police officers can do it in their own time or not at all. I think that is a very sad reflection on these reforms which are going ahead, because there are a great deal of community groups: Neighbourhood Watch, Blue Light, Duke of Edinburgh, suicide prevention groups, and a large number of others, that police officers have had a very good role in working with, as part of their employment.

What is generally the case, and particularly in country areas—but certainly not only in country areas—is that quite often if a police officer is allowed to work with those groups, as part of their role, then they will give more of their own time to those organisations. Having been up to an Operation Flinders exercise last week, I reflect on the fact that in a previous reform—under a previous police minister and a previous police commissioner—the ability of SAPOL officers to participate in the Operation Flinders exercise, as part of their paid employment, was removed, probably the best part of a decade ago. That was denied at the time by the police commissioner, but it is obviously the case.

Now the role that was well taken up by police officers, and I must say valued by police officers—they have a very high regard for the work that Operation Flinders does to keep young people out of their system—needs to be filled by volunteers. The volunteers do a great job, particularly the role they play in the abseiling part of the exercise, which is something the young people get a great deal out of, and I experienced that at some length when I spoke to members of six of the eight teams, just before they were leaving the exercise. But it is a long way from Adelaide, and there are costs in getting people up there.

The government is actually cutting more than a quarter of a billion dollars from SAPOL's budget over the next four years. We keep being told, in this place, that these station closures are about a redeployment of resources and not a cost-saving measure, but the $261 million which will go missing from SAPOL over the next four years indicates otherwise. In fact, 90 per cent of police officers surveyed by the Police Association of South Australia believe that the SAPOL organisational review, which is responsible for the cuts to police station opening hours, is a result of government budget cuts.

The other matter I would like to briefly speak about is the roller-coaster tale of Labor's recruitment promise for police. That is indicative of the fact that the direction of SAPOL over many years has changed. We now see that the much-vaunted LSA arrangements are going out of the window for this district policing model. Police personnel are just as confused about that as they are about the changes between the Premier and this current minister in relation to whether we can meet the recruitment promises made.

I have the highest regard for members of SAPOL. They do fabulous work in the community. They put themselves at the forefront in situations that most of us would not want to experience. In particular, I raised this year with SAPOL management the preparation of their first responders to the impact of having to deal with suicide deaths because I think that is important.

Increasingly, members of SAPOL, family members of SAPOL officers and even, more recently, retired SAPOL members are urging me and others to make sure that SAPOL does more to give confidence to officers that SAPOL has their back, particularly in relation to mental health issues. I think the wheels are starting to turn slowly in relation to that but they are slow. Certainly, in other states, and particularly in New South Wales, much more is being done to prepare first responders for the potential impacts on their own mental health in having to deal with a suicide or an attempted suicide that may eventuate.

With those words, I, once again, appreciate the government's accommodation to be able to bring those matters to the council and I look forward—as does the Hon. Mr Lucas—to the answers coming forward to the questions that he has raised in relation to this bill.

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

PUBLIC INTOXICATION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 September 2016.)

The Hon. S.G. WADE (11:25): I rise to speak on behalf of the opposition in relation to the Public Intoxication (Review Recommendations) Amendment Bill 2016. This bill originates from a review of the act undertaken by public health expert Chris Reynolds in response to the findings of a Coroner's inquest in 2011. The bill and, for that matter, the Reynolds review reaffirm the commitment in South Australia to a health response to public intoxication, rather than a criminal law based response.

The bill introduces objects and guiding principles to the act, and I think they are worthy of reflection. The first I refer to is the objects, which is to promote the minimisation of harm that may befall a person in a public place as a result of a person's intoxication. I would like to reflect on the fact that the person to whom a harm may be occasioned may not be a person other than the intoxicated person. The person who is threatened with harm may be the intoxicated person: they may fall, they may be a victim of robbery, they may be a victim of physical or sexual assault. Of course, the person who is threatened with harm may be another person. We are all well aware of tragic cases of what is commonly referred to as one-punch deaths.

Alcohol-related violence in public places is a real and current issue. In recent years, police data has shown that 58 per cent of victim-reported crime within the Adelaide CBD was alcohol related. In the same year, alcohol was involved in 65 per cent of both serious and minor assaults. As a White Ribbon ambassador, I am particularly aware of the threat of such violence towards women. The key 2012 ABS Personal Safety Survey showed that 51 per cent of women who had been the victim of physical assault by a male perpetrator reported that the perpetrator had been affected by alcohol or drugs during the most recent incident, while only 8 per cent of victims had been affected at that time. Also, males are more likely to be affected, both as perpetrators and as victims, of alcohol-related attacks.

Creating a situation where intoxicated persons can be removed from a public place and put in a place of safety until they have recovered is a step that is intended to reduce the risk of alcohol-related violence within our communities. The presence of alcohol may increase the risk, but White Ribbon reminds us that alcohol does not cause violence against women. In fact, White Ribbon produces a set of myths about violence against women and one of them relates to alcohol. Myth 8 states:

> Violence against women is caused by drugs and/or alcohol

The response, in negation, from White Ribbon is that:

> Almost even numbers of sober and drunken people are violent. Where studies do show more drinkers are violent to their partners, the studies are not able to explain why many drunken men (80% of heavy and binge drinkers) did not abuse their wives. Alcohol and other addictive substances are used by abusers to give themselves permission to be violent.

Returning to the bill, let me return to the objects. The objects go on to say that, for the purpose of minimising harm, the object of the act is:

> (i) to remove an intoxicated person from a public place in which the person is vulnerable or may become a threat; and
>
> (ii) to take the person to a place of safety until the person is recovered.

The guiding principles state that:

> (a) primary concern is to be given to the health and well-being of a person apprehended under this Act;

As I said earlier, this is a health act not a criminal statute, and the opposition supports the maintenance of a decriminalised approach to public drunkenness. But, of course, the criminal law still applies to people who are also subject to this act. People are responsible for creating their own intoxication and they will be held to account for criminal acts under the criminal law. This legislation is dealing with that aspect of the public response which relates to the health response to minimising harm.

I must admit that, in terms of the guiding principles, I am somewhat surprised that the general amenity of public places is not mentioned. The general public and groups such as tourists should be able to go into a public place confident that they will be safe and not be put in a situation of challenging behaviours. The second guiding principle is that:

> A person detained under this Act should, wherever practicable, be detained in a place other than a police station.

Data from the South Australia Police shows that about 3,000 people are apprehended under this act each year, and 50 per cent of those people apprehended are Aboriginal South Australians and 50 per cent are discharged from police custody to home or into the care of a friend or relative.

The Reynolds review recommended that the act should apply to land or premises that are not necessarily public places, provided the owner or occupier of the land or premises does not object. Mr Reynolds recommended that the definition of a public place in this act should be similar to that in the Summary Offences Act 1953 and this bill seeks to achieve that.

It is not a general offence to consume alcohol or become intoxicated in a public place; however, there are some public places where the risk of harm is so high and the public utility is high so the amenity of the place is protected by a ban on alcohol consumption, and they are commonly called dry zones. The Reynolds review highlighted that:

> …dry areas and the expiation notices associated with them compound the problems of chronically intoxicated persons.

I note that in the Aboriginal Legal Rights Movement submission to the liquor licensing review, it informs the review that its workers found that in October 2014 there were a total of 25 community members with unpaid fines totalling $90,000, and in July 2015, there were 28 community members with a total of $299,000 in outstanding fines. Clearly, this is an area where more work needs to be done.

The bill extends the maximum period of detention by police to 12 hours but continues to retain the 18-hour maximum period of detention for declared sobering up centres. Currently, police officers are required by the act to discharge a detained person when they have recovered and can take proper care of themselves but before the expiration of 10 hours. During his review, Dr Reynolds found that:

> …a number of people raised concerns about instances where detained persons were released at the expiry of the specified period though still quite intoxicated. This presents a dilemma for workers etc. conscious of their duty of care but also aware of the rights of the person detained.

However, the Reynold's review recommended, and I quote:

The existing period for detention should be replaced with a general sobriety test requiring the release of a person as soon as they are sufficiently sober as to no longer present a risk of harm to themselves or others, though with the new specified maximum limit of 24 hours.

SA Health addiction clinicians advised the government that they did not believe a period of 24 hours is necessary. Advice from addiction medicine clinicians is that a person should be sufficiently recovered after 12 hours to take proper care of themselves. If they are not able to care for themselves after 12 hours, they may well need a health response to recover. We need to be aware that there will be consequences from increasing the time frame. It will inevitably lead to an increase in demand on the resources of the centres, and also on police resources in terms of police custody.

Police custody is a very labour-intensive activity and a police officer supervising custody is a police officer not available on the streets. There is also an increased health risk. A person who is intoxicated, of course, is at risk of vomiting or convulsing. It is a matter for judgement as to when other health interventions will be needed. In the context of this bill, I want to acknowledge, on behalf of the opposition, the work of a range of services in this area, particularly noting the work of the Aboriginal Sobriety Group, the Salvation Army and—given my father's personal involvement in the West End Baptist Mission—the work of Baptist Care.

This bill also addresses the issue of civil liability for people involved in the administration of the act. Management of public intoxication is a challenging area of public health care. Matters of judgement have to be made. The bill recognises that by strengthening the protection for people involved in the administration of the act from civil liability, providing they act in good faith and do so for the purposes of complying with the act, it respects that challenging environment. The Reynolds review did suggest immunity from criminal liability, but that is not pursued in this bill.

The opposition is disappointed in the delay in bringing this legislation forward. In 2011, the Deputy Coroner delivered his findings on the concurrent inquests into the death of six Aboriginal persons who died between 2004 and 2009. In response to those findings, in June 2012 the government committed to an independent review of the Public Intoxication Act. Dr Reynolds, who conducted the review, acted expeditiously. His report was delivered six months later, in December 2012, but it was not until 2015 that the government finally released its response, and draft legislation was not tabled in this parliament until June this year.

It is almost five years since the Deputy Coroner delivered his findings which initiated the review of the Public Intoxication Act. In my view, that is yet another indication of a tired, listless government. I commend the bill to the house.

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) (11:37): I thank all honourable members who contributed to the second reading of this bill. I would like to be able to place on the record answers to questions raised by the Hon. Tammy Franks in her contribution. Nine of the recommendations made by Dr Reynolds in his 2012 review of the act have been accepted by the government, with 13 recommendations accepted in principle.

Five of the recommendations require the implementation of legislation and are addressed by this bill. Recommendation 16 is about the declaration of sobering up units. Due to the risks associated with detention of a person and the requirements for specialised facilities, no sobering up centres have been declared at this time. Specific additional requirements have been identified as being essential prior to this been considered, including passage of the protections from civil liberty included in this bill. I presume that the honourable member was referring to recommendation 17, which is about the location and funding of sobering up services.

While supported in principle, SA Health has recently undertaken a competitive open tender process for the purchase of specialist drug and alcohol assessment treatment services across South Australia, with contracts in place until 30 June 2020. In accordance with State Procurement Board guidelines, all tender submissions were reviewed against pre-approved evaluation criteria, which included, not only the location of service provision across the state, but also consideration of the service mix and value for money.

I further note that Drug and Alcohol Services South Australia wrote to the Aboriginal Drug and Alcohol Council on 15 February 2016, with a copy of the bill for consultation; however, the Aboriginal Drug and Alcohol Council did not respond. In relation to the Hon. Tammy Franks' further questions, SAPOL officers assess sobriety and intoxication in a wide variety of situations as part of their day-to-day work, which provides them with a good general understanding and discrimination of requirement for detention under the Public Intoxication Act 1984.

SAPOL guidelines contain a general requirement that medical advice is to be obtained when any prisoner appears to be in a confused state. Moreover, medical assistance must be called for any person in police custody, intoxicated or otherwise, whose best verbal response is meaningless and unintelligible and who has no sense of words, and especially if there is no response at all. SAPOL training and guidelines are developed and updated from several sources, including Drug and Alcohol Services South Australia.

Under the Public Intoxication Act 1984 and current police procedures, a person apprehended under the act is monitored and released once sober. It is expected that many people apprehended under this act will not be detained for the full 12 hours. SA Health addiction medicine specialists advise that a person should be sufficiently recovered after 12 hours to take proper care of themselves. If the person is not recovering, then they are likely to be suffering from a more significant health issue. In this situation, police procedures for the safety and wellbeing of persons in their custody apply, rather than the Public Intoxication Act 1984.

SAPOL guidelines are clear regarding when medical advice is required. Continual assessment and reassessment is required throughout the period an officer has responsibility for a person, with alterations in police responses being made to reflect changes over time. In the event a risk assessment identifies that a medical examination is necessary, such assistance is engaged immediately.

The increase in detention time to 12 hours extends the current police custody period by only two hours. It is considered that variation to this extent will have minimal impact for SAPOL, with guidelines already in place requiring police officers to obtain medical assessment or assistance if the degree of intoxication of a person in their custody has not improved within the current maximum detention period.

In addition, SAPOL officers within custodial facilities and elsewhere use the brief coma scale assessment tool as a guide when a person is, or appears to be, suffering from an impaired state of consciousness. In relation to data and reporting on the act, SAPOL has advised SA Health that the Commissioner of Police will consider reporting this data in the SAPOL annual report. This data will include Indigenous status.

The Public Intoxication Act 1984 forms only one part of a wide range of responses to address alcohol and other drug problems as described in the South Australian Alcohol and Other Drug Strategy. The prevalence of alcohol and other drug problems is high amongst Aboriginal and Torres Strait Islander people. Aboriginal and Torres Strait Islander people can be susceptible to alcohol and other drug problems for various reasons. Strategies currently underway that may impact the representation of Aboriginal people under the Public Intoxication Act 1984 include the liquor sale restrictions currently in place in Ceduna, along with the commonwealth government's Ceduna cashless debit card trial.

Treatment services are available statewide through Drug and Alcohol Services South Australia and SA Health funded non-government agencies. Services with an Aboriginal focus include the Mobile Assertive Outreach Substance Misuse Service, based on the Anangu Pitjantjatjara Yankunytjatjara lands, and the Aboriginal Connection Program, a dedicated alcohol and other drug treatment service for Aboriginal people within the inner city and metropolitan areas of Adelaide. This program focuses on those who are homeless and have complex needs. SA Health also funds non-government organisations to operate mobile assistance patrols in Ceduna and Adelaide, providing safe transport for intoxicated people from specific locations to other safe locations or sobering up units.

Development of the next South Australian alcohol and other drug strategy 2017-2021 is currently underway as a joint project between SA Health and the South Australian police. Public

consultation on the new draft strategy closed on 29 September 2016. One of the five objectives of the draft strategy is to reduce the harms of alcohol and other drug problems to Aboriginal people. The South Australian police general orders require officers, when releasing an intoxicated person at their place of residence, to assess if there is a responsible adult at the residence to care for the person and to assess that domestic problems are not likely to occur. These are risk and safety issues that police are required to assess in many circumstances, not just under the Public Intoxication Act 1984, and they are dealt with through police policy and procedure.

Risk identification and management is required from the time of arrest and detention, and is ongoing. Risk identification and management is a continuous process in all aspects of the management of persons detained under this act. A person who behaves in an unruly, violent or belligerent manner will not be returned to the home address where there is the potential of domestic problems emerging. They will be detained at a police station under the Public Intoxication Act 1984. Again, I thank all honourable members for their contributions and look forward to a speedy passage through the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

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) (11:48): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2016.)

The Hon. R.I. LUCAS (11:49): After many days of waiting, I am pleased to be able to speak to the second reading of the Employment Tribunal bill. Over the last few weeks we have seen some three or four pages of amendments to the government's own bill moved by the government in the House of Assembly, and up until yesterday we had had three further separate sets of amendments to the government's legislation. Yesterday the minister, through his office, had wanted to know whether the opposition was prepared to speak and get the bill through today. When I arrived in the chamber yesterday afternoon, unbeknownst to me and obviously the minister's own office, there was a fourth set of amendments being moved by the minister to his own bill.

One can either be cruel or kind. One could either suspect that the minister and his office do not know what they are doing, or one could be kind and say that the minister's office is listening to the criticisms of the government's legislation after finally consulting properly and is responding and moving amendments on an ongoing basis. I will leave the judgement call to other members, given their dealings with minister Rau, and let them make their own judgements. I have to say it has been a little bit of a dog's breakfast in trying to keep up with all the amendments that the government has been moving. As each new set of amendments is circulated in this particular area, we then circulate those amendments to interested stakeholders to get their response.

I have to say in relation to the most recent set that we only sent the request for consultation out to stakeholders yesterday afternoon. I think, without having had a chance to have a good look at the fourth set of amendments, that one or two of the issues that I will place on the record today as being of concern to a number of the industry stakeholder groups may well be at least partially addressed, perhaps fully, I do not know yet, by one of the amendments that the government has now circulated. If that is the case, as I said, it may well be that albeit belatedly the minister has recognised the deficiency in the legislation and has responded with a further amendment in this particular area.

However, until we receive the response from stakeholders, we will not really be in a position to make a final judgement on that.

As I outlined to the minister and his office yesterday, the opposition is prepared, albeit not in relation to the fourth set of amendments, to place on the record some views but in particular questions to the minister and the government. We seek the minister's response, the government's response, to the questions that we are putting, in many cases on behalf of a number of stakeholders who have expressed some concerns about the government's legislation.

On the issue of the amendments, if I could put a general question to the government, whether or not the government can indicate in relation to the now four sets of amendments in the Legislative Council for each of those: who has been consulted from the government viewpoint in relation to the four sets of amendments? Is the government prepared to indicate who is requesting the particular amendment? That is assuming it was as a result of a response to a submission from a stakeholder group. Have there been issues that the government's own advisers have realised there are some deficiencies in the drafting of the legislation which has prompted some of the amendments that the Legislative Council is now being asked to consider?

In particular, in relation to the four sets of amendments in the Legislative Council, are representatives on behalf of unions supporting any of these amendments or opposing them? Similarly, are industry associations or employer groups supporting, or have they indicated opposition to, any of the proposed amendments that the government has received? In addressing this bill and the companion bill, which is the amendment to the SACAT bill as opposed to the SAET bill (the South Australian Employment Tribunal bill), the minister in the House of Assembly referred to something, and not being a lawyer I had no knowledge of this at all, but he referred to the implications of the Cable case which created enormous amounts of problems for courts.

He was responding to questions that had been asked in the House of Assembly on the role of the SACAT. The government was saying that it was an administrative review body and the role of the Employment Tribunal, which the government says is a court, and he said that the Cable case had tremendous implications for the way the government not only treated the establishment of these two bodies but therefore responded to amendments and suggested amendments.

Would the minister be able to provide a copy of the Cable case decision or, given that I am not a lawyer, perhaps a more detailed explanation as to the implications, as the government sees them, in terms of how they, and we as a parliament, should respond to the structure and the operations of SACAT and the Employment Tribunal, not only on this occasion but I am sure as a parliament we will on many occasions in the future be confronted with proposed changes or suggested changes to the ambit of the SACAT and the South Australian Employment Tribunal. If the government believes that the Cable case is a critical issue in relation to all of this, I will be interested in what I have requested.

One of the key complaints which has come from not just employer associations but, I understand, from some unions and employee associations has been in the area of appointments to the Employment Tribunal, whether they be deputy presidents, commissioners or others. There has been a criticism that in the past that had been done on the basis of practical experience in the field, that being at least an important issue, that is, practitioners in the industrial relations arena both from the employee viewpoint and the employer viewpoint.

Those who support this view of the world see great merit in those who have practical experience. Some of them come from a background of being opposed to this jurisdiction becoming too legalistic. They are critical of the Attorney, given his legal background, wanting to have the lawyers, as they say, take over the world again rather than, as some of the stakeholders would characterise it—and I do not necessarily fully subscribe to their view—real people in the field who actually know what is going on, real people who represent unions and workers, and real people who represent employers and business groups.

Those who subscribe to this view have also, I am sure, put their view to the minister and to the government (and certainly have to the opposition) that in terms of who is appointed to these key positions, in the past the arrangement has been that, again as they would put it, real people representing workers and businesses were consulted. Also, real people from the parliament, from

the House of Assembly and the Legislative Council, are required to be consulted by the minister and the government prior to key appointments. Again, that is disappearing, it would appear, in relation to the legislation before us.

There is another key element in relation to this, and I guess it gets caught up a little bit in terms of the politics and the personalities of some of the colourful characters who have inhabited the jurisdiction over the years. When this bill has been raised, the opposition and I am sure crossbenchers and others have received a lot of comment and criticism about the government's actions and what some stakeholders see as a position from the minister and the government of protecting two existing inhabitants of the jurisdiction, if I can put it that way: Deputy President Bartel and Industrial Relations Commissioner Paul McMahon.

The appointment of Mr McMahon, as I said, has had a long history and has attracted a lot of media attention over the years. I have had forwarded to my office, and I certainly remember the articles at the time, such as the article from *The Advertiser* of 8 July 2008, with the headline 'Police Inquiry on Job Row', which stated:

> The police anti-corruption branch has launched a preliminary inquiry into the appointment of Industrial Relations Commissioner Paul McMahon. Mr McMahon was appointed by Minister for Industrial Relations Michael Wright in March and, because of his new job, could not vote two weeks later in a crucial ALP forum against Mr Wright's Workcover Bill.

I note the article is written by someone with very close connections with the Australian Labor Party, Mr Miles Kemp. Mr Kemp goes on to say:

> The Advertiser understands no connection has been made by the anti-corruption branch between the appointment and Mr McMahon's ineligibility to vote in the April 11 ballot. The unit also is investigating why an additional commissioner was appointed to the Industrial Relations Commission despite the average workload of commissioners and registrars being halved following changes to Federal Government industrial laws. Ms [Isobel] Redmond is seeking access through Freedom of Information legislation to a letter between the president of the IRC, Peter Hannon, and the State Government which reportedly states there was no need for Mr McMahon's appointment because of the decreased workload.

According to that story, and other related stories, supposedly the President of the Industrial Relations Commission, Peter Hannon, had actually written and said, 'Look, we don't need another commissioner. We don't need Commissioner Paul McMahon, or indeed anybody else, because we already have a significantly decreased workload.'

The reason for making this particular point at this stage is that one of the explanations that minister Rau is giving for some of these changes is that, because of the changes in the industrial relations environment and most of the work being sent to the federal jurisdiction, we do not have the need for some of these people who are down in the Employment Tribunal anymore. The article from 2008 indicates that was certainly the case, supposedly, according to the President of the Industrial Relations Commission, Peter Hannon, at the time that this government, admittedly not this minister, but one of his former colleagues, appointed Commissioner Paul McMahon in the first place to the jurisdiction.

The second article, in and around that time, was published in *The Australian*, written by John Wiseman, dated 11 July 2008, which stated:

> The South Australian Government is standing behind a controversial appointment to its Industrial Relations Commission despite a District Court judge severely criticising his veracity during a 1998 defamation and sexual harassment trial. Commissioner Paul McMahon was described as unconvincing, vague and failing to be frank when he appeared as a witness in the bitter case between two union leaders. Industrial Relations Minister Michael Wright denied that the scathing criticism affected Mr McMahon's long-term IRC appointment, saying the court matter was closed 10 years ago. However, anti-corruption squad investigators are inquiring into circumstances surrounding the former union official's appointment in March. Several people were interviewed by police this week. The state Opposition claims there was a lack of due process and transparency in Mr McMahon's appointment to the $200,000-plus position. It was made by Industrial Relations Minister Michael Wright at a time when the tribunal's workload had been halved after changes to federal industrial laws.

Further on in the article from Mr Wiseman:

> In the 1998 court case, then Australian Manufacturing Workers Union secretary Paul Noack initiated defamation proceedings against another AMWU official, Caroline 'Max' Adlam, who counterclaimed for damages for indecent assault. The case concerned an allegation that Mr Noack had indecently assault Ms Adlam, his former lover,

by groping her in a hall of the union's Adelaide offices after years of bad blood. Judge John Sulan found in favour of Ms Adlam and awarded her $5000 damages. The judge found Mr McMahon's evidence was coloured by his close relationship to Mr Noack. 'I did not find Mr McMahon to be a convincing witness,' the judge said in his summing up. 'I consider he was not frank.' Mr McMahon's evidence was vague, he told the court at the time. Mr McMahon did not return telephone calls [to the Australian reporter].

So, the appointment of Commissioner Paul McMahon was clouded in controversy: one of those inevitable, ongoing controversial appointments by this state Labor government into this particular jurisdiction.

Evidently, it was opposed by the president of the commission at the time and so there are some very strong views from those who practise in the field in particular about Commissioner Paul McMahon. They have certainly asked questions as to why the government appears to have gone to great lengths to continue to protect Commissioner McMahon and Deputy President Bartel in this complicated arrangement that is outlined in the bill that we have before us.

I am advised and I would ask the minister to confirm whether Deputy President Bartel is currently paid around $323,000 a year for that deputy president's position whereas Commissioner Paul McMahon is currently paid around about $281,000 a year for his position. If it is correct, these are considerable sums of money to be paid to people for whom the minister is saying—or certainly the president of the commission said eight years ago that they did not need him because there was not enough work to justify his existence. So, the interesting question is: what on earth have they been doing for the last eight years? However, put that aside for the moment. I seek confirmation from the minister and the government as to whether or not that is the case.

What has also been claimed by the stakeholders is that, under this arrangement that the minister is sanctioning and would like us to approve, in essence Deputy President Bartel and Commissioner McMahon for a period of time—and I ask the question for how long?—will be undertaking the work of what essentially are conciliation officers for the remainder of their period being members of the Employment Tribunal.

Again, I ask the minister to confirm whether conciliation officers are currently paid around about $112,000 a year, and if they are not, how much are they paid? It is evidently significantly less than the approximately $323,000 and $280,000 that Bartel and McMahon are currently being paid. If they are going to be substantially undertaking the same level of work as conciliation officers it does beg the question as to why.

The question that stakeholders are asking me to put to minister Rau—and to get a response on the public record—is: what is the legal position? Does the government and the parliament ultimately have the power to terminate the positions of Deputy President Bartel and Commissioner McMahon? I do not know the answer but nevertheless I ask the question. If the government and/or the parliament has the power, what would be the cost to taxpayers of a termination provision? I am the first to reserve my position on that to ask: (a) we need to know whether or not it is legally and constitutionally possible; and (b) what would the cost be?

If the cost is outrageously large, given the employment arrangements, then it might not be something that can even be contemplated and I would be prepared to potentially accept that argument. However, we need to get a response from the minister and the government in relation to the legal position and what the potential cost might be.

I am reminded—and I could not find it this morning as I prepared to speak to this—that in the not too distant past the government had a battle with a fellow I think named Jeremy Moore who was a former Labor Party candidate and who I think held a statutory position and the government sought to terminate that position. It was certainly discussed in this chamber at the time. I think legal advice was taken by Mr Moore—if I have the name correct; if not I will stand corrected and correct the record—and I think there were threats of legal action because in that position he could not be terminated.

I think the government's argument was—certainly, I remember minister Rau saying to me—that this particular position does not have any more work to do, and that is the end of it. Some are saying that there is a similar argument here: if there is no further work to be done, maybe there was not any work in the first place, if you accept president Hannon's position in 2008. However, if there

is no work, can the government explain why they took an action in relation to the previous example that I indicated and why they cannot or will not take that action here?

There are some claiming that it is because of the close relationship between Mr McMahon and some in the government. I do not know, but I think there are significant questions being raised by stakeholders, and it is appropriate that minister Rau puts on the public record his involvement and his officers' involvement in these particular issues and justifies publicly why we continue to pay someone $323,000 for however many years and someone else $280,000 a year, when perhaps they are not being productively employed and, under these arrangements, might be doing very similar work to conciliation officers who are paid significantly less than those two particular persons.

In relation to this issue of the conciliation officers, my understanding is that, for some reason, the government has in this bill decided to retitle conciliation officers as 'commissioners'. So, they are all going to be promoted. There is a provision in the bill which says they are going to be promoted to the position of commissioner, which is clearly a more substantive title and infers much greater status. As I read the bill, it appears that the intention is that they will not be paid any more than they are currently being paid. So, if they are being paid $112,000, or whatever it is, as conciliation officers, they are now going to be called commissioners but will still be paid $112,000—bearing in mind that Commissioner McMahon, I think, is being paid approximately $280,000 at the moment.

My questions to the minister and the government are: how many conciliation officers are there at the moment? Can the minister indicate the names of the conciliation officers, for how long they have been appointed, and—I am not sure whether or not this is relevant under the current appointment arrangements—whether they have come from a union, business, employer or organisation background, or some other background? I also ask them to confirm, again, their salary levels and confirm the claim that some are making that, in essence, we may well have commissioners at two quite separate salary levels; that is, we will have at least 10 or so former conciliation officers who will be commissioners paid at one salary level, which is $112,000, but we will have Commissioner Paul McMahon being paid $280,000.

If that is what minister Rau is wanting us to support here, I seek his explanation. Firstly, to confirm if that is what he wants us to support, and can he justify why he wants us to have—if that is the case—10 or so conciliation officers doing their work at $112,000 and Paul McMahon, as the commissioner, being paid almost three times that amount and doing, in essence, the same work with the same title? There might be a simple response or answer to that from minister Rau, and I look forward to it if there is.

Certainly, minister Rau says—and in public discussions and in the House of Assembly debate he repeats it on any number of occasions—that he is not going to be appointing any more commissioners, but in the bill he seems to be asking us to appoint at least another 10 commissioners. On the one hand he says there is no work for the commissioners to do down there, but on the other hand he seems to be wanting us to appoint at least another 10 commissioners. I ask him to explain how he reconciles those two conflicting statements in what we are being asked to support in the legislation.

I would also ask him to explain—and on page 6897 of the *Hansard* the minister explained the current arrangements, as I understand it; that is, the present conciliation officers or soon-to-be commissioners. He says:

> The process of appointing those people is we put an ad in the paper, people express interest, we have a selection panel, and all comers can come forward. We ask the selection panel to recommend the best people and ultimately that comes to the minister of the day to make appointments.

I ask the minister to outline: when was the last selection panel established; who were the members of that selection panel; and, for the last selection panel, who the selection panel recommended to the minister (whether it was this minister or the minister before him); and whether or not all of the selection panel recommendations were accepted by the minister? I assume the minister has the power to accept or reject the selection panel recommendations but again I ask for confirmation as to the legal position. In particular, I ask whether minister Rau at any stage has rejected or amended selection panel recommendations for conciliation officers and, if he did, on what grounds did he reject or amend recommendations of any selection panel?

Similarly, if there has not been a selection panel under the current Minister for Industrial Relations—and there have been some pretty quick changes in industrial relations ministers, so rather than say the last minister for industrial relations, perhaps if we go back over a period of five years—whether or not previous ministers during that particular period have either rejected or not accepted or amended recommendations of the selection panel in relation to conciliation officers.

Certainly, the minister, in his statements in the house, seems to indicate that at least the government's position is—and I am not sure whether it is the legal position or whether it is their policy position or a position of policy convenience—that he is not going to be appointing any more commissioners, although, as I said, he is appointing at least 10 new commissioners. He says:

> It just means that the two existing commissioners—I am not sure how much longer they want to stay there—have been sort of red-circled. When they finish, that will be the end of it.

My question is: is that, in essence, the legal position, and the government and the parliament has no capacity to make a different decision, or is it just a policy position of convenience that the minister has adopted; that is, he is saying that they can stay there even if they are not doing much work down in this particular jurisdiction?

I am also advised that some time in around 2013 or 2014, and one of the industrial advocates has made this claim to me, Judge Bleby conducted the Bleby review (unsurprisingly) and that that Bleby review of industrial relations supposedly came to the conclusion and the recommendation to the government was that there was no need to expand or increase the number of members in the tribunals that are down there. I ask the minister whether or not he is prepared to provide a copy of the Bleby review report. If he is not, can he give us an explanation as to why he is not prepared to?

If he is not prepared to provide a copy of the Bleby review report, can he at least respond to and outline any particular recommendation that Judge Bleby made in relation to any issue which might appertain to this bill? That is, in particular, the position of whether or not we should continue to pay for people down there who, evidently, are not doing much work at all, or whether we should continue to have a position where one commissioner is going to be potentially paid almost three times the amount of money as all of the other commissioners are going to be paid under the government's arrangements.

I am also advised by another one of the industry associations that some of these people down on the jurisdiction hold duel appointments, both the Industrial Relations Court and Commission and also with the Fair Work Commission. I am advised that this relates, potentially, to Deputy President Bartel, Commissioner McMahon and Judge Hannon. I seek confirmation from the minister in relation to that particular claim.

That claimant also indicates to me that they thought that there was a federal-state funding agreement where part of the salary is paid for by the Fair Work Commission—I assume on some sort of pro rata basis—that if any of those persons are undertaking work in the Fair Work Commission jurisdiction, the Fair Work Commission pays for part of the salary. If that is the case, can the minister indicate what were the details for each of these in the last three years? That is, how much of the total salary, if any, was paid for by the federal jurisdiction?

So, I guess, in part, if the commonwealth government is paying for part of the 323,000—or 280,000 at least—that reduces some of the cost to the South Australian tax payers directly. Can the minister also confirm, if there is this federal-state funding agreement, what the expiry date is? There was some thought that maybe that expiry date had either just occurred or is just about to occur. Has that or will that federal-state funding agreement be renewed, or is there some issue in relation to the potential renewal of that particular agreement?

Many stakeholders have been putting the point of view, as I have said, that they believe that they wanted people with practical experience in the field, and in particular, referring to the field that relates to the private sector, in addition to the public sector and also the need for the employer and employee associations to be consulted about potential appointments. The minister's position is quite clear that there is, in his view, no further work, and therefore he is not going to appoint anyone. But more particularly, he has also argued that there is no longer any need for tribunal members with private sector experience.

He essentially, and very colourfully, indicates in the House of Assembly that there is no need for them, that the South Australian jurisdiction now only handles public sector and local government sector issues. There are no issues that relate to the private sector and therefore there is no need to have anyone with any expertise or experience in the real world of the private sector, as some of these stakeholders would have argued.

That contention has been strongly contested by a number of the stakeholder groups. Before I refer to some views given to me from one of the industry associations in relation to that, I do want to refer to a comment piece made by Mr Ben Duggan. I think it is a bulletin under the heading 'DW Fox Tucker Lawyers Proposed Amendments to the South Australian Employment Tribunal Act 2014'. Mr Duggan outlines the background to the legislation and says:

A principal jurisdiction of the IR Court is the ability to hear monetary claims in accordance with section 14 of the FW Act.

A monetary claim is a claim by an employee for a sum of money:

- Due under a contract of employment;
- Due under an industrial instrument (award or enterprise agreement); or
- Due pursuant to a statute such as the Long Service Leave Act.

The jurisdiction conferred by section 14 of the FW Act does not empower the IR Court to deal with an employment claim for damages arising from a breach of a contract of employment including a claim for reasonable notice.

Currently a manager, senior staff or specialist (who earns in excess of the remuneration cap for an unfair dismissal application) seeking to make an employment claim for damages needs to commence such a claim in State Courts, such as the District Court, where a risk exists of an adverse costs order if their claim is not successful.

Proposed expanded jurisdiction for State Industrial Court.

State Labor has recently released the Statutes Amendment (South Australian Employment Tribunal) Bill 2016 for comment as part of its consultation regarding proposed amendments to the South Australian Employment Tribunal Act (SA) 2014 (SAET Act).

An interesting aspect of the proposed amendments is the introduction of a new Industrial Court, the South Australian Employment Court (SAE Court), with an expanded jurisdiction to replace the current IR Court.

The expanded jurisdiction would provide the SAE Court with the ability to hear a claim arising for damages for breach of a contract of employment.

An action for the grant of an injunction or specific performance would also be able to be heard by the SAE Court.

Interestingly, the proposed amendments include sub-section 26A(3) of the [Fair Work] Act which would enable the SAE Court the ability to grant an injunction or provide for specific performance as a remedy where it 'would best serve the interests of justice in a particular case.'

The SAE Court would in the exercise of consideration of the 'interests of justice' be required to consider the following factors in accordance with sub-section 26A(4)(b) of the [Fair Work] Act:

It lists those particular elements and then goes on to state:

Additionally, the SAE Court may take into account 'such other matters as the Court thinks fit.'

The effect of the proposed expanded jurisdiction of the State Industrial Court.

An expansion of the jurisdiction to enable an employee to commence a claim against their employer for damages for breach of their contract of employment is a significant step.

The SAE Court would likely enable managers, senior staff and specialist staff to seek an inexpensive and quick remedy seeking damages for breach of their contract of employment.

In practice, the enactment of the proposed changes means the SAE Court may become the preferred Court for such managers and staff to commence claims for breach of their contract of employment particularly for those in the context of the termination of their employment such as claims for reasonable notice.

It further states:

Of particular concern for employers is that the SAE Court in the exercise of its enhanced jurisdiction would in this instance be required to consider the 'interests of justice' which it could be anticipated likely mitigates against the employer's decision to alter or remove an employee benefit that is no longer sustainable into the future.

In practice, the expansion of the jurisdiction in this manner could be expected to make it more difficult for an employer to introduce change at its workplace entrenching inflexible work practices.

As I said, that is written by Ben Duggan.

That explains in legalese—which is why I read it in detail—a number of the stakeholder claims, in particular from employer associations, who are saying either, 'We think John Rau has got it wrong,' or 'John Rau doesn't know what he's talking about,' (depending on how strong the language is that is being used by the various stakeholders) when he said that the Employment Tribunal has nothing to do with the private sector, that it is only about the public sector and it is only about local government. They are arguing that in this bill, what minister Rau is seeking to do is to extend the jurisdiction to make it apply to a whole range of new unfair dismissal cases in the state jurisdiction and, for the reasons Ben Duggan outlines, it might become the jurisdiction of choice.

If that is the case—and I invite the minister's response as to whether he agrees or disagrees with Ben Duggan's outline of what the government and the minister are up to in the legislation—can the minister indicate why he has chosen to do this? Who has been pushing for this particular change? I assume it has come from unions and union representatives, but I do not know that. Certainly, from the range of comments I have had from employer associations, those who have picked this issue up have strongly opposed the principle of it, but they have also strongly opposed the minister's arguments that this jurisdiction really has nothing to do with the private sector at all.

I also ask the minister to confirm what this remuneration cap is. I think it might be indexed at around about the 130,000s, but I seek clarification from the minister as to what the remuneration cap is that Mr Duggan has referred to in relation to unfair dismissal applications. I do not intend to read all the individual associations' comments to me, which broadly support Ben Duggan's contentions in that area.

The second area that stakeholders have raised with me—again indicating that either the minister does not know what he is saying or does not understand this particular jurisdiction—is their significant concerns in relation to the training and TAFE disputes area. If I can refer to some examples in relation to apprentice dispute resolution, these stakeholders are again saying, 'We think this jurisdiction still applies to the private sector and another example of it is in terms of apprentice dispute resolution.' The submission from the MTA to the Liberal Party, signed by Anna Moeller, General Manager—a name that should be familiar to the minister—dated 4 October 2016 states:

Apprentice Dispute Resolution.

The MTA further wishes to reiterate its position in relation to consequential amendments to the Training and Skills Development Act 2008, which inform our comments in the above, flowing from the original South Australian Employment Tribunal amendment legislation.

- In matters where the apprentice conduct and possible training contact—

'Contract', it should be, I think—

cancellation, is concerned, the legislation only provides for conciliation before the [South Australian Employment Tribunal], sitting as the Training and Skills Commission whose President now has the status of a Magistrate. There is no arbitration function envisaged in the legislation as written.

- Tribunal members are to be appointed by the minister without specific reference to any representation for expert panels covering industry experience, working with youth, employer representation or union representation.
- Further, the elevation of the Presidency to Magistrate rank has necessitated the elevation of representation, so those appearing before the [South Australian Employment Tribunal/Training and Skills Commission] are now required to have legal counsel, rather than allowing for lay advocates with industry knowledge to appear on their behalf.
- This diminishes the prospect of fair and reasonable outcomes for employers and employees/apprentices, who are now subject to an adversarial approach rather than a conciliation and arbitration approach that is determined on the facts. It also increases the costs of the process unnecessarily for all parties for a diminished outcome.
- Most of the bill is an improvement on current arrangements but on these issues there needs to be a more productive approach in the interests of apprentice well-being and training outcomes.

I have had a range of further submissions on this issue. I will refer to one other which states:

1. In terms of disputed applications to cancel an apprenticeship at the employer's request, after extensive attempts at performance management, the employer with no strict right of any representation, has to appear opposite the Training advocate (who rarely shows any consideration of the employer) and put his [or her] own case and argue for cancellation or suspension for a maximum period of 28 days. (Training and Skills Development Act 2008.)

2. Currently these disputes go before a commissioner both in conciliation and, if cancellation is not agreed, then arbitration…

3. …[this permits] Registered Agents to assist as advocates during conciliation, they have not done so in arbitration, leaving the employer, especially small business, unrepresented—whilst the Training and Skills Development Act 2008 gives full representation to the…Training advocate—who, in the past has been less conciliatory than the unions, in [this stakeholder's] opinion.

Further on, the stakeholder asks about the merits of a particular case about non-performance of an apprentice:

5. The merits of the case were apprentice ignoring the instructions of the employer and other tradespersons, electronic threats to SafeWork SA staff when the investigations revealed the employer's views were reasonable and 5 conciliation conferences over 6 months (unsuccessful).

This particular stakeholder was arguing the particular case which justified in the employer's viewpoint the cancellation of the training contract with this particular apprentice. The stakeholder continues:

6. Going forward, the bill suggests (apart from Ministerial discretion to appoint Commissioners for conciliation) that Magistrates will now hear any arbitrations.

7. Our concerns are that such appointees are less likely to have the relevant background to assess the real performance management issues involved here.

8. The solution would be to require the Minister to appoint suitably experienced persons (union and Employer backgrounds as currently applies) to perform the conciliatory and arbitral roles to adjudicate on these matters.

Again, a second stakeholder mirrors the views of the MTA, as Anna Moeller put to the opposition. There are two or three other industry associations which have raised that particular issue again, saying that this relates to employers in the private sector, justifying their different view to the minister in relation to this part of the jurisdiction.

It may well be that the fourth set of amendments that we had tabled yesterday seeks to address, at least in part—maybe in whole, I do not know—this particular TAFE or apprentice training dispute area. It certainly covers that area, but as to whether it addresses the issue to the satisfaction of the MTA and others, we are not aware of their response to the amendments yet. They were the major issues that stakeholders have raised.

There are some specific ones which I will now place on the record by way of questions from some stakeholders and ask for the government's response to the requests from individual stakeholders. I am wondering whether the minister and the government could give a detailed explanation of clause 41 of the bill (pages 26 and 27) in terms of what the government intends and what the practical impact of these transitional provisions will be.

It talks about what happens to the person holding the office as president of the tribunal. Immediately before the relevant day the person holding the office as a deputy president, etc. So, could the minister outline in actual fact what this means to the president of the tribunal, to any deputy presidents—in particular, I presume deputy president Bartel—and what the transitional provisions will mean for each person currently under the transitional provisions?

I also had a question in relation to clause 52 in the bill we have before us. It is the one in relation to costs, the new amendments in relation to costs. I have been asked from one stakeholder to indicate whether the new costs provision that the government has included changes any of the costs provisions which currently apply in the Fair Work Act—for example, section 110 I think it is, of the Fair Work Act relating to unfair dismissals—and whether or not that continues to operate. Could the government respond to that particular query?

The South Australian Wine Industry Association has put to the opposition a significant number of concerns about the proposed bill and the amendments that have now been incorporated.

In essence, I have broadly referred to their first concern, which is about the background and appointment and the appointment process of further members down there. The second one is covered by the issues that Ben Duggan has raised. The third one is covered by the Training and Skills Development Act issue. I will not repeat them. They were the three issues the South Australian Wine Industry Association asked the opposition to raise.

The Motor Trade Association—in addition to the one about the apprentice dispute resolution, which we have already read onto the record—has also raised issues, and these comments are in relation to the first set of amendments which were moved in the House of Assembly, and they are entitled amendment Nos 1, 2, 3, 4 and 5. In relation to amendment No. 2 in that first set of amendments that the government moved in the House of Assembly, the MTA states:

> The MTA considers that this wording is vague as to what 'assistance' may be provided or what 'appropriate' circumstances may trigger such assistance. On this basis the MTA does not support this amendment at this time.

The MTA indicates it does not support amendment No. 3 that the government has moved and successfully introduced into the legislation. The MTA also opposes amendment No. 4 for the following reasons:

> The MTA does not support this amendment as it would appear to undermine the conciliation process and remove certainty from conciliated outcomes by allowing for the Tribunal to call up matters regardless of agreed outcomes and re-litigate them, thus increasing the costs, stress, and complexity of matters being considered before the Tribunal without necessarily improving the outcomes for employers and employees. It is unclear why a settlement by consent in this jurisdiction should be less determinative and of less value than in any other.

I ask the government to respond to those concerns the MTA has expressed and whether or not, since the passage of the bill in the House of Assembly, the government, or its officers, have met with the MTA and addressed any of the issues the MTA has addressed by way of any of the four sets of amendments that are now before the Legislative Council. The MTA opposed amendment No. 5 that was moved in the House of Assembly and stated:

> The MTA does not support this amendment as it, again, removes industrial expertise from the tribunal and places arbitration powers in the hands of Magistrates who may not have any specific knowledge of industrial matters or of the specific industry in question before the Tribunal. This lack of expert knowledge could compromise outcomes for employers and employees while raising litigation costs and the risk of appeal.

Finally, the Housing Industry Association's concern was again one that we have already raised, which was in relation to the Training and Skills Development Act. The HIA raises the further issue that it notes that the Employment Tribunal sitting as a South Australian employment court could hear certain criminal matters. The HIA does not support the confer of a criminal jurisdiction to the SAET members. In the HIA's view, such matters should continue to be heard by the Magistrates Court proper. I ask the minister to respond to that particular concern expressed by the HIA and whether or not the minister, or his officers, have met with the HIA about that particular concern and if so, what their response to the HIA's concern is.

That is a fair summary of the concerns and issues and questions that have been raised with the Liberal Party about the government's bill. As I said, it is currently a bit of a dog's breakfast before the council, with an amended bill from the House of Assembly and now with four separate sets of amendments from the government, and there may well be further sets before we sit again. So, I seek from the government, and its officers, a considered response to the questions that we have posed.

We certainly reserve our position in relation to potentially moving amendments during the committee stage. To assist the passage of the bill, if the government was able to provide written responses to these questions at some stage before we sit again, the Liberal party and its party room could at least then take advice from parliamentary counsel about potential amendments and that might assist the expedition of the consideration of the bill in the Legislative Council.

From the opposition's viewpoint, we have no wish or intent to unnecessarily delay the passage of this bill and its companion bill but, to be fair, the government is, on an ongoing basis, amending its own bill and we are just trying to keep up with the latest version of it. The government, not unreasonably, has accepted that we will need some time to further consult, so I make no criticism of that. However, if the government would like to expedite the issue by potentially providing written copies of responses to the opposition we will certainly do what we can to decide whether or not we

intend to move amendments and at least then place them on file early enough for the government to consider its response to any potential amendments that we might or might not move.

The Hon. T.A. FRANKS (12:46): I rise on behalf of the Greens to make a brief second reading contribution to the Statutes Amendment (South Australian Employment Tribunal) Bill 2016. As members in this place are well aware, the South Australian Employment Tribunal resolves disputes relating to the return-to-work scheme. The objective of the tribunal is to provide fair and independent resolution of workers compensation cases and assist injured workers to return to work.

The Greens support a robust industrial relations system and believe it is paramount that workers in this state have every opportunity to resolve their employment-related disputes in a fair and timely manner. Employment-related disputes should be resolved in an effective manner to ensure that workers have access to legal representation and that the barriers of access to justice are reduced. There is evidence to suggest that the tribunal has been an effective mechanism for resolving disputes relating to workers compensation.

Figures released by the tribunal in April this year, as noted in the Attorney's media release of 11 April 2016, reveal that in its first nine months of operation the tribunal received and processed some 3,480 applications, of which 2,485 have been resolved. We believe this is an effective outcome. The Greens supported the establishment of the tribunal when debating the return-to-work legislation in 2014. We supported the establishment of the tribunal because we recognised the benefits of creating a specialised state employment decision-making body to deal with aspects of workplace litigation and a one-stop shop to avoid having to potentially litigate across multiple jurisdictions.

The Greens envisaged the potential for employment matters, other than those arising under the Return To Work Act, to be heard before the tribunal. The bill before us simply seeks to ensure that all employment-related disputes are resolved under the South Australian Employment Tribunal. When it comes to industrial relations it is a preference for most governments to support mechanisms for preventing and minimising conflict. This is often achieved through dispute prevention and settlement mechanisms such as conciliation, arbitration and industrial courts. Tribunals are accessible and anything that improves access to justice for South Australians is warmly welcomed by the Greens.

We will be supporting the passage of this bill and look forward to the committee stage. However, there is a grave concern that we share that has been brought to our attention particularly by the Hon. John Darley—and I know that he will be seeking some progress on this matter. We draw the attention of the government and also the entirety of the Legislative Council chamber to the concerns of the Asbestos Victims Association, in particular as outlined in their correspondence of 20 October 2016 to the Hon. John Darley which he has shared with other members.

We reiterate the questions in that correspondence regarding the treatment of dust diseases and particularly the proposed changes in this bill to the Dust Diseases Act 2005. These concerns are, I believe, the subject of some informal discussions and we look forward to those concerns, which have been quite rightly raised and which are shared by the Greens, being resolved before we progress this through the committee stage of this bill.

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

STATUTES AMENDMENT (SACAT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2016.)

The Hon. R.I. LUCAS (12:50): I should have indicated in my lengthy contribution to the Employment Tribunal bill that the SACAT amendment bill is a partner bill. Most of the comments I made will flow through to this. This is a relatively simple bill in the context of the last bill. The bill will repeal part 12 of the Statutes Amendment (SACAT) Act 2014, which will effectively avoid the public sector Grievance Review Commission jurisdiction being conferred on SACAT automatically in December of this year. The government argues that it would be undesirable for the public sector jurisdiction to be conferred on SACAT in December of this year, only for it to then be conferred on

the South Australian Employment Tribunal in July 2017. For those reasons, this bill simply repeals part 12 of the SACAT act, and we support it.

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

Sitting suspended from 12:51 to 14:18.

Petitions

QUEEN ELIZABETH HOSPITAL

The Hon. J.A. DARLEY: Presented a petition signed by 749 residents of South Australia, requesting the house to urge the government to ensure that the two cardiac catheter laboratories continue to operate at The Queen Elizabeth Hospital to ensure quick and effective cardiac treatment in the case of emergencies and for chronic cardiac patients.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Employment (Hon. K.J. Maher)—

Appointment of Ministerial personal staff report prepared under section 71 of the Public Sector Act 2009

By the Minister for Science and Information Economy (Hon. K.J. Maher)—

BioSA—Report 2015-16
TechInSA Charter

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

Reports, 2015-16—
Activities Associated with the administration of the Retirement Villages Act 1987
Food Act 2001
Health and Community Complaints Commissioner
Safe Drinking Water Act 2011
South Australian Abortion Reporting Committee—Report 2014

Question Time

NATIONAL PARKS

The Hon. J.M.A. LENSINK (14:20): I seek leave to make a brief explanation before directing a question to the Minister for Environment on the subject of national parks.

Leave granted.

The Hon. J.M.A. LENSINK: I have been contacted by a constituent who is concerned that the camping part of the permit system has been suddenly changed without much advice from the department. This constituent is concerned that this is going to be a new way of the department revenue raising, particularly for those people who regularly like to use the camping facilities, who can no longer purchase their camping pass as part of their (in his case) annual parking pass, but they are also no longer available as a package with other passes, such as a hiker/cyclist pass or the holiday park pass. As reported in the *Port Lincoln Times*:

The department's Parks and Partnerships program manager Chris Thomas said the changes were part of the state government's aim to make South Australia a 'world-leader in nature-based tourism'.

He goes on to say:

As part of this, we are looking at ways of increasing the number of people visiting parks, including reviewing and possibly even abolishing park entry fees where possible.

To which my constituent expresses some scepticism. My questions to the minister are:

1. What individuals and groups did the department consult with prior to this change?

2. What is the anticipated impact of revenue as a result of changes to the camping system?

3. What exactly was Mr Thomas referring to when he was talking about 'abolishing park entry fees'? Can the minister outline those for us?

4. Does the government intend announcing and defending this prior to the very busy Christmas holiday period?

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 her very important questions. The South Australian government is seeking to bring more people into the state's national parks and reserves, as the Hon. Michelle Lensink confirmed, and this is in line with South Australia's nature-based tourism strategy. The government's park investments, including the $10.4 million investment made in metropolitan parks, have resulted in new walking trails, cycle tracks, picnic areas, car parks, playgrounds and other visitor facilities. In 2015, approximately 70 per cent of all South Australians indicated that they had visited a national park, I understand, which is up from 52 per cent in 2014.

Ultimately, access to parks should be made as simple as possible, and action 3.4 of the action plan is a commitment to review park entry fees. This change will streamline the current parks pass offering. An easier payment option has also been introduced through an online booking system, which is being rolled out across the state to allow people to book park entries, camp sites, tours and heritage accommodation in advance. Parks where online booking is already available are receiving increased visitation, including more family groups, I am advised.

Park fees collected go back into maintaining quality visitor facilities and services. I have mentioned in this place before that we have moved to an online booking system for camping bookings. This allows people to book their camping adventure from the comfort of their own home on their own private device, with the certainty that their favourite camping spot will be reserved and available when they arrive. I understand that it has met with a great deal of support and that in fact more camp sites are booked out than ever before, with the camper knowing that they can actually get the camp site that they prefer.

Whilst we are going through a period of modernisation and using new technology to try to drive an increased visitor experience, I understand some people have fears about change. I am not one of them, but I am sure the Hon. Michelle Lensink, once she experiences these things for herself, will appreciate the benefits that can be brought into the system, the benefits to visitation and the benefits for local communities as well. I think that is to be wholly commended and supported.

Parliamentary Procedure

VISITORS

The PRESIDENT: It is good to see our previous president, the Hon. Mr Sneath. Welcome.

Question Time

NATIONAL PARKS

The Hon. J.M.A. LENSINK (14:24): I have a supplementary question. Is the minister going to answer any of my substantive questions about impact on revenue, potential abolition of any parks passes, whether the government was going to tell anyone and whether they actually asked anyone beforehand?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:24): I try to give people the benefit of the doubt in this place when they come in here with, shall I say—

The Hon. D.W. Ridgway: Rubbish.

The Hon. I.K. HUNTER: Less informed rubbish, the Hon. David Ridgway said, but I would never say that about his honourable colleague. I understand there is a little deal of tension between the Hon. David Ridgway and the Hon. Michelle Lensink in terms of who might be the leader at one stage, but I would not go so far as the Hon. David Ridgway—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —in accusing the Hon. Michelle Lensink of asking rubbish in this place. She has usually got a very important question. Unfortunately today, her question does not fall into that category.

Members interjecting:

The PRESIDENT: Order! And I would appreciate no verbal or gestures across the chamber.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): Thank you for your protection, Mr President. I seek leave to make a brief explanation before asking the Minister for Automotive Transformation questions regarding the Automotive Workers in Transition Program.

Leave granted.

The Hon. D.W. RIDGWAY: The government was keen to promote its $7.3 million Workers in Transition Program when it announced back in September 2014, and opened in March 2015, the Career and Workforce Development Centre at Warradale. However, the opposition has since obtained documents, under FOI, which revealed that since it opened the centre has only received on average 1.01—I repeat that: 1.01—visitors each day, and in October 2015 the centre became open by appointment only.

My question to the minister is: can the minister provide detail on exactly how many jobs have actually been created for visitors to this centre and what is the process for the follow-up with visitors to the centre, and, given that the minister has publicly stated that he anticipates the number of visitors to the centre will be increasing in the coming months, when does the minister anticipate the centre will reopen?

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) (14:26): I thank the honourable member for his question. It shows all the political acumen we have become used to from the Hon. David Ridgway, which is why there is so often so much suggestion the Hon. Michelle Lensink will soon be leader. He comes in here and asks about support for auto workers. Let's not forget why we are where we are. It was his colleagues three years ago who dared Holden to leave—

Members interjecting:

The Hon. K.J. MAHER: They dared Holden to leave. The very next day, Holden said they would be leaving this country; and you know what we heard from those opposite—from Steven Marshall, the member for Dunstan, Leader of the Opposition?

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway: You have no credibility on that—none whatsoever.

The Hon. K.J. MAHER: I've hardly started.

The PRESIDENT: The Leader of the Government deserves the respect of this council to be able to give his answer in silence.

The Hon. J.S.L. Dawkins: He should refer to members with their proper title.

The PRESIDENT: Exactly.

Members interjecting:

The PRESIDENT: Order! There's no debate—

Members interjecting:

The PRESIDENT: Order! The honourable minister will continue with his answer and he will do it in silence.

The Hon. K.J. MAHER: Let's remember all that those opposite—that mob—said when Holden were leaving the country. We have Steven Marshall, as I said before, the member for Dunstan, Leader of the Opposition—if they care to listen at all—when Holden left he said something along the lines of, 'It just doesn't make much sense for this country,' about manufacturing cars. That's how much they care about it. Their mob in Canberra dared Holden to leave. The very next day Holden announced they were leaving, and then they say, 'Oh well, it doesn't make much sense to manufacture cars here.' That's what they think, that's how much they care about auto workers. In relation specifically to the Warradale Centre—

The Hon. D.W. Ridgway: 1.01 visitors.

The Hon. K.J. MAHER: —we have seen figures, I am advised, almost doubling the last month—

The Hon. D.W. Ridgway: What, to two people!

The Hon. K.J. MAHER: —and we will see that increasing over the next 12 months. We saw Corey Wingard come out and kick one of the biggest own goals now being repeated—

The Hon. J.S.L. DAWKINS: Mr President, point of order: if the minister insists that he knows how to respectfully refer to members by their title, he might remember what seat Mr Wingard represents.

The PRESIDENT: And I think—

The Hon. I.K. HUNTER: Point of order, sir.

The PRESIDENT: Point of order.

The Hon. I.K. HUNTER: Goodness gracious! We have three members of the opposition shouting across the chamber. It is little wonder that the Hon. Mr Dawkins cannot hear the proper enunciation of the member's title.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: The Hon. Mr Wade is here shouting across the chamber, the Hon. Mr Ridgway is here shouting across the chamber—

The PRESIDENT: Point taken, minister. Take a seat. The Hon. Mr Dawkins, if you are that concerned about titles of members—

The Hon. S.G. Wade: That's what the standing orders say.

The PRESIDENT: Yes. But the standing orders also say that you are not to interject when a minister is on his feet. So let's be fair about this. There are crossbenchers—

Members interjecting:

The PRESIDENT: You are not to argue with me on my ruling. I am telling you how it is going to be. There are crossbenchers who want to speak and have got questions. All this nonsense defers and delays them asking these questions.

The Hon. S.G. Wade interjecting:

The PRESIDENT: I am not interested in what you have to say. Minister, will you please continue your answer.

The Hon. K.J. MAHER: Thank you, Mr President. We saw in the last couple of weeks the member for Mitchell, Corey Wingard, the shadow minister, come out and demand of the government that they close down the Warradale office. What the member for Mitchell wants for his constituents is if they want to access the Automotive Workers in Transition Program, he wants them to get up to Elizabeth to the other office. That's what he wants, that's what the opposition wants. Don't worry, we will be campaigning on this, we will be letting the good people of the southern suburbs, who work in the auto supply chain, know what the Liberals want for them, they want all services in their area closed down.

Furthermore, it came as quite a coincidence that the member for Mitchell's campaign office is where this office now is, and is on record as saying he does not like where his current electoral office is and he wants a new one, and here he is campaigning on wanting the support for auto workers in the south closed down so, presumably, he can move back into that office. This is a shallow joke on the people of the south, that they don't want support for auto workers in the south. If you want to access government programs, in their view, you go up to the north, you go to Elizabeth. You can rest assured we will be letting the people of the south know what you think of them and how much help you want to provide them. You're a disgrace.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Supplementary: will the minister inform the chamber when will the centre reopen? Given that we have this increase in numbers, when will it reopen? When you have an answer, can you letterbox that to the electorate to let them know?

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) (14:32): I would like to thank the honourable member for his question but he just keeps digging a hole, getting bigger and bigger. The office is open for appointments, by appointment, and as we have seen in the last month the numbers doubling, as demand increases it will be appropriately staffed. But we will make sure that the good people of the south know exactly what the member for Dunstan, the member for Mitchell and the Hon. David Ridgway, who once held ambitions for running in the seat of Waite, which is in the south, but he has ruled that out as a bit too much hard work, but we will make sure that the good people of the south know what he thinks of them as well.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:32): Supplementary: can the minister advise how many jobs have actually been created by the people who have visited this particular centre? Surely you have those stats.

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) (14:32): I am informed there are now over 1,000 people who have accessed the Automotive Workers in Transition Program. I don't have figures on the employment outcomes.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:33): Further supplementary—I'm sorry to the other members—but the 1,000 people, clearly they can't all have visited that centre. The question was: how many jobs have been created by the people who have visited that centre?

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) (14:33): I just told you: I don't have figures on that.

The PRESIDENT: He doesn't have figures. Supplementary, the Hon. Mr Brokenshire.

Members interjecting:

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

Members interjecting:

The PRESIDENT: Order! If I want someone to sit down it will be me who tells them. The Hon. Mr Brokenshire.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. R.L. BROKENSHIRE (14:33): Supplementary based on the minister's answer: subsequent to the announcement that GMH was leaving South Australia and Australia, a former executive of GMH said that the preliminary planning for the closure and exit of manufacturing of GMH in Australia had happened 'quite a period before the announcement'. How then does the minister say that it is the fault of the opposition or the Liberal Party?

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) (14:34): I thank the honourable member for his supplementary question. Quite simply because every single person who was involved in it before the Liberals got in say so. Every single person.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I seek leave to make a brief explanation before asking the Minister for Automotive Transformation questions relating to the Automotive Workers in Transition Program.

Leave granted.

The Hon. S.G. WADE: In estimates this year the minister stated that:

> For the Automotive Workers in Transition Program, for 2015-16 the original budget was $2 million, with a spend of $317,915, with that amount carrying over.

On the basis of that answer, I understand the carryover will be $1.68 million over to the 2016-17 financial year. My questions are:

1. Why was such a large portion of the program unspent and carried over?

2. What will the $1.68 million be used for in the 2016-17 period?

3. What is the length of the government's lease at the Career and Workforce Development Centre, Warradale?

4. What is the total cost of this lease?

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) (14:35): I thank the honourable member for his questions and his obvious agitating for the member for Mitchell to re-takeover that office. It is great that they are sticking together in their flawed and foolish arguments.

In relation to carryovers, we have not seen as many as we initially expected to become part of the Automotive Workers in Transition Program. We are seeing a much larger uptake now as it gets closer to the end of 2017, when the Hon. Stephen Wade's mates dared Holden to leave and they left, and they have said nothing or done nothing about it. It's great when they dig themselves into a hole, they double down on their stupidity. It's great that they double down on their stupidity.

We will use the money in the Automotive Workers in Transition Program to support workers in the supply chain, not just in northern Adelaide but also in southern Adelaide where much of the supply chain is still there from the days when Mitsubishi was manufacturing there. Regardless of whether the member for Mitchell, the member for Dunstan, the Hon. David Ridgway, the Hon. Stephen Wade want us to cut the people of the south adrift, we will not do that.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. S.G. WADE (14:36): I have a supplementary question. Considering that we are now four months into the 2016-17 financial year, when does the minister think he will have any idea as to how he can properly use a $1.68 million carryover?

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) (14:36): As I said, if he cared to listen to my original answer, we will use that to support automotive workers in the supply chain as we need to and as these services are needed to be rolled out.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): I have a further supplementary question. Can the minister—

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Given his inability to answer, maybe he can take it on notice. What is the length of the lease and what is the total cost of the lease for the centre?

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) (14:37): I am very happy to take those questions on notice. I know the Hon. David Ridgway clearly wants us to close that down immediately. He wants all automotive workers in the south to have to travel up to Elizabeth and, don't worry, we will let the people in those electorates know what you think.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:37): I have another supplementary. He might like to provide the name of the owner just to check that it is not one of his developer mates.

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) (14:37): Good one!

WINNOVATION AWARDS

The Hon. G.E. GAGO (14:37): My question is to the Minister for Manufacturing and Innovation.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Gago has the floor.

The Hon. G.E. GAGO: My question is to the Minister for Manufacturing and Innovation. Can the minister update the chamber as to the outcome of the 2016 Winnovation Awards?

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) (14:38): I thank the honourable member for her very sensible question and her interest in this area. I have been a co-speaker with her at previous Winnovation Awards. It is something that she, as a past minister for women and minister for science and information economy, has been a very strong supporter of. I am very proud to continue in the tradition that the honourable member has started.

The Winnovation Awards showcase and celebrate the success of female innovators changing the game in South Australia. These awards also recognise businesses that support our state's innovative women. The awards are held annually by Women in Innovation, a community of volunteer professionals who are passionate about innovation and technology, striving to support South Australian women operating in these fields.

I was pleased to attend this year's awards ceremony with my colleague the member for Reynell, Katrine Hildyard, a passionate advocate for women in her electorate and across the state, at our world-class SAHMRI facility. The calibre of women nominated continues to grow each year. Some 25 outstanding finalists competed over nine categories from science and other areas of innovation, in the corporate world and in government. The nine 2016 Winnovation Awards recipients included:

- Allison Cowin for the science award. Alison is a University of South Australia research professor who developed a new antibody-based therapy for the treatment of skin cancers.
- Shelley Elder, CEO of Axeze Pty Ltd, took up the award in the technology category for developing a range of technical devices which improve access and security at sites ranging from healthcare settings through to hospitality venues.
- The engineering award went to Professor Karen Reynolds from Flinders University for developing the Medical Devices Partnering Program, which I have mentioned in this chamber before. This is an innovative model for collaboration between researchers, end-users and commercial partners, which is now helping catalyse the medical technology industry in South Australia. The South Australian government has proudly supported this program since 2013.
- Chloe Gardner, owner and director of Kids Camera Action, was recognised in the arts category for her teaching in schools, delivering film experiences for students.
- The Regional, Rural and Remote Winnovation Award went to Bronwyn Gillanders, who led a team to develop tools to better understand the cumulative impact of developments in South Australia's Spencer Gulf.
- Congratulations also need to go to Gemma Munro, who founded Inkling Women five years ago. Gemma received the Women's Initiative in Business award and has grown her company to become one of Australia's leading providers of our women's leadership programs.
- The open award went to Bianca Peta, the creator of an innovative education program for women experiencing violence and homelessness.
- Gail Fairlamb, Director, Strategic Development, Department of the Premier and Cabinet, was successful in the innovation in government category.
- Finally, Claudine Bonder received the award for Emerging Innovator. I understand that Claudine is a vascular biologist at the Centre for Cancer Biology who has helped develop a patented process to overcome hurdles to treating heart disease.

I warmly congratulate all the fantastic women who were nominated for an award this year and those who took home an award on the night. You are a truly remarkable group of women doing great things in South Australia. It was particularly pleasing to catch up with the outstanding Women in Innovation leadership group, led by president Kate Irving and past president Lisa Kennewell, on the night.

SOUTH AUSTRALIA POLICE

The Hon. K.L. VINCENT (14:42): I seek leave to make a brief explanation before asking questions of the Minister for Police, or a minister representing the Minister for Police perhaps, regarding SAPOL staffing.

Leave granted.

The Hon. K.L. VINCENT: It has come to my attention that throughout regional and rural South Australia, SAPOL has reduced staffing levels on weekends and public holidays, particularly where local staff are sick or on recreational leave. Given the holiday periods and weekends are often a time when community events and family occasions are held and the consumption of alcohol is higher, this can be a time of significant stress for some people, and there is often an increase in domestic and family violence. These periods are also a time when local police, who have excellent knowledge of local issues, might choose, quite rightly, to take recreational leave. This can make relief

staffing of rural and regional police stations in particular a challenge. My questions to the minister are:

1. Can the minister advise whether the SAPOL staffing levels on public holidays, in comparison to standard weekdays, are reduced, the same or increased throughout regional and rural SA?

2. Where local SAPOL staff are on leave over weekends and on public holidays, how does SAPOL procure suitable relief staff?

3. What recruitment strategies are in place from the minister to ensure that we have enough police to provide adequate coverage throughout regional and rural South Australia?

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) (14:43): I thank the honourable member for her questions. I will pass them on to our colleague in this place, the police minister, for him to bring back a reply.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. A.L. McLACHLAN (14:43): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question regarding the Automotive Workers in Transition Program, which he is so passionate about.

Leave granted.

The Hon. A.L. McLACHLAN: The Career and Workforce Development Centre at Warradale, of which the minister is very fond, I understand offers opportunities for workers to hear from guest speakers from leading industry groups as well as information centres. My question for the minister is: how many guest speakers and information centres have been arranged since the opening of the centre, and who have been the guest speakers?

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) (14:44): I thank the honourable member for his well-intentioned question. I do have some sympathy for him. I am sure he was handed his question by his colleagues, who say, 'This'll be a great line of questioning. Nothing could possibly go wrong for us with this one,' without realising some of the murky history to this, what that building is to be used for and perhaps some of the motivation about why he is being set up to ask some of these questions.

In relation to individual guest speakers who may have been there, I am happy to go away—because even if he has been set up, I am sure it is a genuine question. The Hon. David Ridgway who is known to regularly lurk around there with his selfie stick might even know who the guest speakers have been—

The Hon. D.W. RIDGWAY: Point of order.

The PRESIDENT: Point of order, the Hon. Mr Ridgway.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: I would like the minister to withdraw that. I do not own a selfie stick and I do not lurk around the suburbs.

Members interjecting:

The Hon. D.W. RIDGWAY: Well, I don't. I am happy to own something or do something but I will not have somebody say that I own something or do something that I do not own or do.

The PRESIDENT: The honourable minister, continue.

The Hon. K.J. MAHER: I apologise to the Hon. David Ridgway if, as he says, he has never owned a selfie stick and he just lurks around the Warradale centre occasionally in his spare time. In relation to the questions that have been put by the Hon. Andrew McLachlan, I know he has asked them with the best intentions, so I will bring back an answer for him.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:46): Supplementary: could the minister tell us how many computers are being not used in the Warradale centre?

An honourable member: All of them!

The Hon. D.W. RIDGWAY: How many are there and how many of those are not being used?

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) (14:46): I am sure there are computers there and I am sure when they are needed to be used, they are.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:46): Can the minister take it on notice and confirm that there are somewhere between 14 and 15 computers? Can he confirm that and bring back an answer to the chamber?

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) (14:46): If there is an answer to be brought back, I shall. I wonder if the Hon. David Ridgway would like to show me on his phone some of the selfies he has taken out there when he has been lurking around buildings late at night and we can both sit down and have a look at those.

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

PARIS CLIMATE CHANGE AGREEMENT

The Hon. T.T. NGO (14:46): My question is to the Minister for Climate Change. Will the minister update the chamber on developments since the Paris agreement was agreed to in December?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:46): I thank the honourable member for his most important question. Tomorrow is a historic moment in our efforts and the efforts of the planet to combat dangerous global warning. Honourable members will probably recall that in Paris last December, the world, including the Abbott/Turnbull—soon to be Abbott—government agreed to limit global warming to 2° Celsius and, if possible, to hold this to 1.5°. To achieve this significant action, we need to work together here in Australia to make sure that we tackle this dangerous global warming.

The science has established and informs us that this will require Australia to achieve zero net emissions by 2050. Our government has already responded to the science and set a zero net emissions target for our state. Our efforts are gaining international attention. Senior executives from companies such as IKEA and Siemens have highlighted South Australia at international fora. This government recognises the economic necessity of decarbonising and the jobs and investment that this brings. We simply cannot afford to be left behind in this race to develop solutions for what is a significant challenge to our population and our planet.

There is no clearer sign of the race to decarbonise than what will happen tomorrow. Tomorrow—4 November—the Paris agreement comes into force. This means that it has become binding on companies that have ratified the agreement. This achievement has occurred in record time as these things go. It shows that the globe is not only responding to the challenges of global warning but also embracing the opportunities that might arise from addressing these challenges. It

is not only nation states that are responding. Businesses and investors are increasingly moving towards decarbonising their operations.

We have seen General Motors announce that all their operations throughout the world—350 sites in 59 countries, I am advised—will be powered by 100 per cent renewable energy. Australia's largest polluter, AGL, has announced that it will have zero net emissions by 2050 and they are not the only ones, of course. On the eve of the Paris agreement coming into force, an important player in this space in Australia has made a very significant announcement. For the benefit of the chamber, I want to read a short extract that accompanied the announcement:

> With the world now taking stronger action on climate change [we] have released a Climate Change Policy Framework. It sets out our aspirational objective to achieve net-zero emissions by 2050. At the same time, new jobs and investment will flow as the world responds to climate change, and we will help make the most of these opportunities. We will lead the community in preparing for the impacts of a changing climate and secure the prosperity of the state…We can be a powerhouse for jobs, growth and productivity through energy efficiency and renewable energy.

Mr President, you might be wondering who made this pronouncement. It certainly was not a business, in this case. No, the Prime Minister has not donned his leather jacket again and gone back to his roots. Of course, Mr Marshall, the Leader of the Opposition, the member for Dunstan—

The Hon. S.G. Wade: The member for Dunstan.

The Hon. I.K. HUNTER: Indeed—has not had to pick up the phone to Senator Bernardi in New York to ask for permission to make any such statement, because of course he is not going to make it. It is, of course, the state government—and it was not a Labor government. It was none other than the New South Wales Liberal government who made that statement today. The New South Wales Liberal Party—members opposite, your brethren. The very same ones, who increased the waste levy to what we are discussing in our budget papers right now, are recognising the jobs and growth that this brings. The same ones who copied South Australia's container deposit legislation scheme, albeit 40 years late, but nevertheless a good policy adopted by another good government over in New South Wales—

The Hon. S.G. Wade interjecting:

The Hon. I.K. HUNTER: Well, when they copy South Australia's Labor policies, Hon. Mr Wade, they cannot be going too far wrong, can they? Here they are copying our state government's climate change policies. Well, goodness gracious! Now the New South Wales Liberal Party are leading the other Liberals in this country. They are following South Australia in charting out a course for a transition to a low-carbon economy—and guess what?

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Boosting renewable energy. These important words:

> It sets our aspirational objective for New South Wales to achieve net-zero emissions by 2050. At the same time, new jobs and investment will flow as the world responds to climate change, and we will help our state make the most of these opportunities.

Very familiar words. These are the words, in this instance, of Premier Mike Baird and his environment minister, Mr Mark Speakman. The New South Wales Liberals are not alone. The Western Australian—

The Hon. S.G. Wade: I've given up on New South Wales Labor, too.

The Hon. I.K. HUNTER: Well, the Hon. Mr Wade says he's given up on the New South Wales Liberals, Mr. President

The Hon. S.G. Wade: No, New South Wales Labor, is what I said.

The Hon. I.K. HUNTER: Unfortunately for him, the New South Wales Liberals are in government and have seen the sense of adopting South Australian Labor government policies. As I said, the New South Wales Liberals are not alone. I am advised that the Western Australian Liberal government has embraced renewable energy as well, as have the Victorian Liberals.

They have a shadow minister for renewable energy, and the Victorian Liberal opposition leader has said he wants Victoria to be a leader in renewable energy, saying, I am advised, 'We want an industry that can deliver more clean energy and clean energy jobs.' But these are not words that you are ever going to hear from those Liberals opposite us right now, let alone will you hear it from Steven Marshall, Leader of the Opposition, 'member for coal mining'—sorry, member for Dunstan. Instead, all he has, the Liberal opposition leader in the other place, all he has is a plan for coal, a plan to take South Australia back to 1836 and make all of our energy coal-friendly. That is the Liberal plan. That is all they have.

POWER INFRASTRUCTURE

The Hon. R.L. BROKENSHIRE (14:53): I seek leave to make a brief explanation before asking the Minister for Employment some questions about a power plan for South Australia.

Leave granted.

The Hon. R.L. BROKENSHIRE: Notwithstanding the repeat answer of the Minister for Environment and Climate Change just then, jobs are hugely important to South Australia, and wherever I have been in the last few months people are telling me that a significant negative to job creation is going to be exorbitant power prices that we are about to see over the summer period and into the foreseeable future, particularly with the imminent closure of Hazelwood in Victoria.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: My questions therefore to the minister are:

1. Does the minister agree that he has failed all South Australian businesses by ensuring they have the highest power prices in Australia?

The Hon. I.K. Hunter: You did.

The Hon. R.L. BROKENSHIRE: I am asking the minister. You have been in for a long time and you are responsible. You are guilty.

2. What is the power plan that the South Australian government has to restore confidence to the South Australian business sector?

3. When did the minister first become aware of the urgent need for a new interconnector, and what is the government doing about a new interconnector, given that many people knew that interconnector had to be started—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order!

Members interjecting:

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

The Hon. R.L. BROKENSHIRE: —given that this government knew in 2002 they had to start planning for another interconnector?

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) (14:55): I thank the honourable member for his question and the opportunity to talk about who has failed South Australia in relation to power.

The PRESIDENT: Point of order.

The Hon. R.L. BROKENSHIRE: Everyone knows who failed power delivery when it collapsed a few weeks ago. What I am asking is: who is going to fix the problem?

The PRESIDENT: Take your seat. The minister has the floor.

Members interjecting:

The PRESIDENT: The minister has the floor. Minister, you can answer the question.

The Hon. K.J. MAHER: I thank the Hon. Robert Brokenshire for the opportunity to talk about who has failed South Australia in relation to power. As everyone knows, and as opinion polls have showed, it was the Hon. Robert Brokenshire and his mates at the time in the previous party he used to belong to—the South Australian Liberal Party—led by the Hon. Rob Lucas in terms of the privatisation of power. 'We blame the ETSA sale' screams *The Advertiser* headline.

I would challenge the Hon. Rob Lucas and the Hon. Robert Brokenshire—a cabinet member at the time, I believe, of the ETSA privatisation—to come and tell us if they ever did anything directly or indirectly to stop the interconnection with New South Wales to increase the sale they would get for ETSA, because the people of South Australia deserve to know. I would challenge them to put it on the record here, when they can have the opportunity to be found misleading parliament, and I would be very careful of the documents that are floating around at the time. We know at the time—

The Hon. R.I. Lucas: I have got them.

The Hon. K.J. MAHER: Yes, so has everyone else because, at the time, every minister was passing around cabinet documents. Every single minister was passing around cabinet documents to anyone they could find. I thank the Hon. Robert Brokenshire for talking about the failure of power in the state. It was the Hon. Robert Brokenshire and his mates at the time—the Hon. Rob Lucas—who comprehensively failed the people of South Australia, and the people of South Australia know it. In relation to some of his other questions, is there a plan? Of course there is a plan.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: We don't want any debates across the floor. The honourable Leader of the Opposition, don't use the President's dinner in any debate on this.

Members interjecting:

The PRESIDENT: Order! No debating across the floor. Minister, get up and answer the question.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I think the honourable member referred to a power station closure. It is the Hazelwood power station that has been announced for closure next March. What this shows is we need to urgently fix the national energy market. We need a policy that is heading towards a clean energy production future; that is what South Australia has been calling for. I thank the Hon. Robert Brokenshire for, I gather, implicitly agreeing that we need a plan to move towards a national energy market that recognises renewables as an intrinsic part of that.

POWER INFRASTRUCTURE

The Hon. R.L. BROKENSHIRE (14:59): A supplementary based on the minister's diatribe. The question is: does the government have an urgent and long-term power plan to address the crisis facing South Australian businesses, starting as of today, regarding the exorbitant prices of electricity, the lack of sustainability of base load power and the general reliability of power? Do you have a plan or are you just going to throw mud and rubbish?

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) (14:59): I thank the honourable member for his supplementary. Absolutely, we need to reform the national energy market, that is the plan, but he keeps digging down and keeps doubling down on something that he is partly responsible for. He needs to take at least a little bit of responsibility.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I would agree with him that his colleague the Hon. Rob Lucas needs to shoulder most of that, but he should man up and take a tiny bit of responsibility for once in his life. All we have seen is his mates across the chamber and their policy; in contrast is, 'Let's get the state to dig for coal and burn it.' That is what the member for Stuart suggested, 'Get the state to dig for coal, the taxpayer to pay this, and burn that coal.' That is their policy, and I am sure we will see next week one of them come in and ask the government to please cost their thought bubble.

Members interjecting:

The PRESIDENT: Order! I think the attitude and the behaviour in this chamber should lift itself a notch or two. The Hon. Mr Dawkins.

AUTOMOTIVE WORKERS IN TRANSITION PROGRAM

The Hon. J.S.L. DAWKINS (15:00): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation questions regarding the Automotive Workers in Transition Program.

Leave granted.

The Hon. J.S.L. DAWKINS: Aside from the Career and Workforce Development Centre at Warradale, which we have heard today is now open by appointment only, another centre also exists at Elizabeth. My questions to the minister are:

1. How many people have visited the Elizabeth centre since it opened?
2. What is the length of the lease at these premises?
3. What is the total cost of operating the Elizabeth centre?
4. How many jobs have been created for people who have visited the centre?

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) (15:01): I thank the honourable member for his very sensible question. It stands in stark contrast to the questions asked by his colleague, and I acknowledge his strong interest in the future of the northern Adelaide region, as a strong advocate (often) for that area, in stark contrast to his colleague's questions, wanting the state government to abandon the people of the south, so I thank the honourable member for his question.

In relation to the Automotive Workers in Transition Program, I do not have a breakdown for the two centres but I will go away and see if that can be done, but I am very pleased to inform the honourable member that, as of 25 October this year, 3,010 individuals have attended information sessions for the Automotive Workers in Transition Program, resulting in 1,181 registrations, is my advice. Some 711 individuals have been supported to access career advice and transition services, and there have been 321 activities for training tickets and/or licences approved.

I know the Automotive Transformation Taskforce is working their way through—I think and if I am wrong I will come back with the correct answer—74 Tier 1 and Tier 2 supply chain companies, both in the north and the south, and some in the west of Adelaide, to make sure all workers are aware of what services are on offer.

It is a big task to get out to all of these companies and, of course, these companies vary in size, in complexity and in their willingness to engage with government, but the task force is doing everything it can to make sure that people are aware of the services that are provided. In relation to specifics about a lease on a building, I do not have those with me but I am more than prepared to find the answer for the honourable member, who is very genuine in his interest in this area.

NORTHERN ECONOMIC PLAN

The Hon. J.S.L. DAWKINS (15:03): Will the minister also bring back information about further discussions he may have had with the Mayor of Gawler in relation to the absence of the Town

of Gawler from the Northern Economic Plan, and the impact of the Holden closure on businesses in that council area and, indeed, in the Light Regional Council and the Adelaide Plains Council?

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) (15:03): I have had discussions with the Mayor of Gawler and in the near future I am happy to bring back some further information to update the chamber, but maybe I will be able to update the honourable member even before that.

ARMY ABORIGINAL COMMUNITY ASSISTANCE PROGRAM

The Hon. J.M. GAZZOLA (15:04): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister advise the chamber about the recent announcement regarding the Australian Army working with the Yalata community?

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) (15:04): I thank the honourable member for his question and his interest in the area of Aboriginal affairs. The Army Aboriginal Community Assistance Program (AACAP) is a joint initiative of the commonwealth Department of the Prime Minister and Cabinet and the Australian Army, which aims to improve primary and environmental health and living conditions within remote Aboriginal communities.

The year 2016 is the 20th anniversary of the Australian Army providing support under this program to Aboriginal communities through the AACAP program. Since 1996, AACAP has successfully provided infrastructure, health and training benefits to 42 remote Aboriginal communities, I am advised. One project is delivered per year to a selected Aboriginal community across Australia and focuses on the provision of infrastructure, health services and vocational training.

Along with my federal counterpart, minister Nigel Scullion, I was pleased to have some say in the selection of the locations for this year. In December 2015, minister Scullion wrote to the South Australian government, inviting them to make suggestions and bids for the AACAP program to occur in one of South Australia's remote Aboriginal communities. I will take the opportunity to criticise the federal Liberal government when it is warranted, but I will also pay tribute when it is warranted. I congratulate the federal government. This is the first time they have proactively sought priorities from states and territories. It was very welcome to be engaged at the very early stages of the process and given the ability to identify what project would take place and how the state could also contribute to these projects.

I was excited to hear that the bid for Yalata was one of the sites for 2018 for the AACAP program. Earlier this week, I had the opportunity to visit the Far West Coast of our state with the Prime Minister, minister Scullion, minister Tudge and the local federal member for Grey, Rowan Ramsey, to share the great news with the community. The nearly $8 million investment from the commonwealth and state governments was very warmly received by local Anangu in the Yalata area, and they look forward to welcoming the Australian Army to their community in 2018 to roll out the project. The AACAP project is delivered by a construction squadron and an engineering regiment comprising, I am informed, 150 to 200 personnel, who will be deployed to Yalata for about six months in 2018.

I am advised that during the six-month period they will work across three main areas, the first one being infrastructure: the building of a new child and family centre, redevelopment of the old Yalata roadhouse, building new staff housing, upgrading local roads, developing a new rubbish management system, building new water bores and constructing fencing for the airstrip. The second main area is health, which will include visiting communities and providing first aid training and lessons on healthy living, evaluating current community health procedures and equipment, conducting physical training and education programs, providing dental work to community members and providing veterinary training and support for pets in the community.

The third area is vocational training. Army personnel will deliver both accredited and non-accredited training in the following areas: general construction, building maintenance, plumbing, vehicle and small engine maintenance, welding and concreting. All of these things will deliver immediate benefits to the community, but also, perhaps more importantly, long-term benefits. We can never underestimate the importance of early childhood development or the value of having the possibility of economic development and employment. AACAP will be delivering both of these through all the programs they are doing, from the new family and childcare centre to upgrading the roadhouse as a site for tourism purposes, employment and economic development.

I have seen the results, and people still talk about the work that AACAP has done in previous sites in South Australia in Oak Valley in 1998, in Pukatja in 2010 and in Kaltjiti in 2013. In Kaltjiti the community received substantial infrastructure improvements including a service provider's accommodation facility, children and family centres and four houses. Work was also undertaken to upgrade the community's water supply and refurbish the community church.

A number of years on, I still hear from people in these communities very fondly remembering the work that the Army has done and the legacy that the Army has left behind both in infrastructure and also in some of the training areas. I look forward to keeping the chamber updated about this AACAP program in the Yalata Aboriginal community as it rolls out.

NUCLEAR WASTE

The Hon. M.C. PARNELL (15:09): I seek leave to make a brief explanation before asking a question of the Leader of the Government, representing the Premier, on the subject of nuclear waste.

Leave granted.

The Hon. M.C. PARNELL: Members may have heard the news story this morning, broadcast on the ABC's AM radio program, which drew attention to serious conflicts of interest in the nuclear royal commission's choice of consultants to prepare the business case for a nuclear waste dump for South Australia. The report this morning identifies that two of the authors of the sole business case commissioned by the royal commission are in fact the President and the Vice President of the Association for Regional and International Underground Storage, which is the nuclear industry's own lobby group promoting underground storage of nuclear waste.

In other words, the royal commission, when facing the question of, 'Is it a good idea to take nuclear waste from other countries and store it underground?' in fact paid the people from the nuclear lobby group tasked with delivering exactly that outcome. As a result, people are not surprised at the royal commission's findings. In light of that conflict of interest that was identified this morning on the radio, my question of the Premier is: will he now ask the nuclear citizens' jury to postpone its final recommendations so that the jurors can be fully informed about these conflict of interest claims and shortcomings in the royal commission's findings?

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) (15:11): I thank the honourable member for his question and I will pass it on to the Premier and seek a reply.

Members interjecting:

The PRESIDENT: Order!

NORTHERN ECONOMIC PLAN

The Hon. R.I. LUCAS (15:11): My question is directed to the Leader of the Government. Does the leader have an answer to a question I asked on 26 May, almost six months ago? I asked him:

> Given that the minister has announced that the government will be creating 15,000 new jobs from the $24.6 million Northern Economic Plan announced in January this year, how many jobs is the government and the minister creating from the October 2015 release of $93 million over four years?

The minister replied that he would take that on notice and bring back a reply.

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) (15:12): I am happy to find out where that answer is up to for the honourable member and I will make sure that the thousands and thousands of jobs from things like the Northern Connector, that will be created, are included in the answer as well.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Gago has the floor.

REGIONAL 3R FORUM

The Hon. G.E. GAGO (15:12): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the United Nations seventh regional 3R forum currently being held in Adelaide?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:12): I thank the honourable member for her most important question. Yesterday, I was very honoured to join the Premier as he opened the first session for the seventh regional 3R forum in Asia and the Pacific—UN3R. There was a noticeable, palpable, air of excitement in the room, and anticipation about the benefits that this event—

The Hon. J.M.A. Lensink: Not for your speech, surely.

The Hon. I.K. HUNTER: So unkind, Michelle—was going to bring to Adelaide. Excitement about three days of collaboration, exchanging ideas and sharing innovation in the 3Rs: reduce, re-use and recycle. Excitement about the opportunity for South Australian businesses to showcase our world-leading technical expertise in waste management, and excitement about having 350 delegates from around the world looking to collaborate with government and business to create new jobs.

The breadth and depth of South Australia's waste industry expertise is incredibly extensive. It ranges from commercial composting and design of integrated resource recovery centres to integration of new technologies and zero waste policies and strategies. What a fantastic opportunity for South Australia to host such an important and internationally significant event. We have experts from around the world right here in Adelaide discussing the future opportunities for the waste management sector.

Of course, it is a great opportunity for our own local waste industry to export its talents and take advantage of these other countries being here and showcasing exactly what those companies can do. As a state—and I am sure this part of the recognition as to why the conference was brought to Adelaide—we have achieved incredible recycling rates: amongst the world's best. South Australia is currently diverting almost 80 per cent of all waste generated away from landfill. The percentage of waste diverted from landfill has increased dramatically over recent years. This is despite the overall amount of waste being generated steadily increasing, of course, in line with population growth.

It is very important that we remain focused on long-term sustainability in the waste management sector. We cannot afford to rest on our laurels and be happy where we are. We have to keep pushing the boundaries. On that front, South Australia is celebrating another exciting anniversary this year, and that is 50 years of Kesab. Kesab has been at the forefront of Adelaide's reputation as one of the world's most liveable cities. Just over 40 years ago they led the charge for the nation's first container deposit scheme. It has taken that long for other states to catch up.

I have spoken before about the strange feeling of going into a supermarket interstate and being bombarded with disposable shopping bags being thrown at you. It is due to the fantastic policy initiative by the Hon. Gail Gago, when she was minister, that we in South Australia have now changed consumer behaviour. Strong action by the Hon. Gail Gago and the state government, and the community demanding this of us, saw us phase-out lightweight checkout style plastic bags in 2009. Since then we have seen a huge increase in re-usable shopping bags.

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

The Hon. I.K. HUNTER: They are functional. In the words of the great Tim Minchin, 'Take your canvas bags, take your canvas bags, take your canvas bags to the supermarket.' It is a reminder of how dramatic the change has been in community attitudes towards the importance of protecting our environment that Tim Minchin would pen words to a song about it. Today, South Australians overwhelmingly support the disposable plastic bag ban.

I am advised that in 2013, researcher Dr Anne Sharp, from the Ehrenberg-Bass Institute for Marketing Science, said that most people supported the plastic bag ban and that shoppers remembered to bring their own bags to the supermarket in eight out of 10 trips—eight out of 10 trips. We have seen the same sort of result, I am advised, in the ACT where a review between 2012 and 2014 found that more than 70 per cent of the people surveyed did not want the 2011 ban overturned. Furthermore, I am advised that 65 per cent of Canberra grocery shoppers supported the ban for environmental reasons and agreed that it had a positive effect on the environment.

So, South Australia's bold policy initiatives and leadership, brought into this place and into our state by the Hon. Gail Gago, are being recognised right around the country and being emulated. When we set bold and ambitious policies, as we do, whether it be the phasing-out of plastic bags, our target for zero net carbon emissions by 2050, or Carbon Neutral Adelaide, it is our local economy that wins and our local community also.

Our waste sector employs around 5,000 people in South Australia. It has an annual turnover of about $1 billion and contributes about half of that to gross state product directly and indirectly, I am advised. We support more than 50 local companies reprocessing paper, metal, glass, plastic, concrete, asphalt, timber, electronic waste and, of course, organics. Further opportunities exist in the relatively new waste sectors, such as electronic waste, mixed plastics, PV cells and new building products, particularly those building products that are a composite of certain materials.

By hosting the UN 3R conference in Adelaide—and I understand that this is the first time this conference, a prestigious international conference under the auspices of the United Nations, has ever been held outside of a national capital city. This is the first time and it is because of the recognition of South Australia and our leading policies that we were invited to host this conference.

We are positioning our state to take full advantage of all the new opportunities in waste management. We are working very closely with the private sector and working very closely with our community advocates, such as Kesab, to make sure that we drive continued adherence to our plans to reduce, recycle and re-use because a sustainable society requires us to embrace those principles into the future.

I am sure that the whole parliament will acknowledge the great work done by Kesab and by Green Industries South Australia to change the way that we think about waste in this state. I am sure we are all pleased to thank Green Industries SA for the great work it has done in facilitating this conference coming to South Australia so that we can showcase our world-leading capabilities to the region.

MULTI-AGENCY PROTECTION SERVICE

The Hon. J.A. DARLEY (15:19): I seek leave to make a brief explanation before asking the Minister for Sustainability Environment and Conservation, representing the Minister for Communities and Social Inclusion, a question regarding the Multi-Agency Protection Service.

Leave granted.

The Hon. J.A. DARLEY: The Multi-Agency Protection Service (MAPS), brings together personnel from SAPOL, DECD, SA Health, Housing SA, child protection and the Corrections department to generate a coordinated response to high-risk cases of domestic violence. MAPS was introduced as a pilot program in 2014 and has gained both national and international attention following the success of the program in South Australia. Despite the state government allocating moneys from the budget to expand it, I understand that the service is still deemed a project and, as such, does not provide certainty for the clients or staff. Given the success of the program, can the minister advise whether MAPS will continue as it currently stands as a project, or will it be funded by the government?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:20): I thank the honourable member for his most important question. The Multi-Agency Protection Service, as I understand it, is an initiative that is about four years old now and has brought together a lot of government agencies to try to deal with this very difficult issue of domestic violence. His question is about ongoing funding, and that's important. I undertake to take that question to the minister in the other place and seek a response.

The other thing that it is really important that we understand is that this is an issue that all of us have responsibility to pursue—all of us in this place as individual members, but also all governments. I understand that, in recent times, a call has gone out by state premiers to the federal government to join us in a campaign against domestic violence and to bring together the resources of state and federal government to try to combat this evil. I understand that Premier Palaszczuk of Queensland, the Premier of Victoria and the Premier of South Australia have all—

The Hon. J.S.L. Dawkins: Don't you remember Andrews' name?

The Hon. I.K. HUNTER: Well, now that you've reminded me—

The Hon. K.J. Maher: You're big on titles. Now you're telling him off for not using names. You can't have it both ways.

The Hon. I.K. HUNTER: The Hon. Mr Dawkins doesn't ask me—

The Hon. K.J. Maher: You've got no consistency. He is a disgrace to this chamber.

The Hon. I.K. HUNTER: The Hon. Mr Dawkins—

The Hon. J.S.L. Dawkins: Well, you were able to remember Palaszczuk. You obviously couldn't remember Daniel Andrews. I bet you were going to call him Andrew Daniels.

The PRESIDENT: Will honourable members acknowledge that the minister is on his feet?

The Hon. I.K. HUNTER: The Hon. Mr Dawkins of course, doesn't ask me if I can't remember the name of the Premier of South Australia, so it is a funny question to ask, Mr Dawkins, but there you go. What I am pointing out is the absolute failure of the federal government in this area of addressing this terrible scourge of domestic violence. When the premiers of states come together and ask the federal government to unite with them to work on these issues, you would expect the federal government to say, 'Absolutely, this is something that we all need to work together on,' but, of course, all we have heard from the federal government is stony cold silence.

Bills

CONSTITUTION (DEMISE OF THE CROWN) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 July 2016.)

The Hon. A.L. McLACHLAN (15:24): I rise to speak to the Constitution (Demise of the Crown) Amendment Bill 2016. I speak on behalf of my Liberal colleagues. The Liberal opposition supports the second reading of the bill. Accompanying the introduction of the bill was a pithy second reading speech by the minister but, on reflection, it may have been a touch taciturn. I start with the existential proposition that this bill seeks to solve a potential theoretical problem which, on closer examination, may not be a problem at all.

In the DNA of every Liberal there is an inherent reluctance to legislate on a whim. Instead, we seek out the truth and exercise caution before making law. This is not the habit of the Labor benches, considering that, as their socialist hearts tell them, they are the font of all knowledge, and this gives them the right to legislate on a whim. In other words, the volume of the legislation is their goal, not the utility of the legislation.

There appears to be no truer expression of this than is encapsulated in this bill. Against this backdrop, I question the need for this bill. Nevertheless, the Liberal Party is inclined to support the

passage of the bill because it has a minimal impact on the lives of South Australians, and it seems to be an occasion where the application of the precautionary principle is called for. In other words, we will allow the bill to pass because our support for it to become law is out of an abundance of caution.

A maxim you are taught early in your legal education is, 'The king never dies.' This means that there is no break in succession upon the death of a monarch. However, the monarch acts in two capacities: one, as a natural body subject to death and the other, as a body politic, which is a corporation sole. The latter is deemed to be immortal. I acknowledge that the powers exercised by a monarch in a personal capacity do not necessarily survive the demise of the Crown, unless specifically cured. These include:

- the summoning of parliament, resulting in immediate dissolution;
- commissions or offices held at the pleasure of a monarch, resulting in immediate cessation of office—examples include ministers, judges, public officials and military officers;
- grants and privileges given other than by royal grant;
- all legal proceedings abated; and
- claims against the Crown involving matters personal to the previous sovereign, such as fault and personal debt, could not be enforced against the subsequent sovereign.

However, it is my understanding that the rules regarding the demise of the Crown in this state have been cured by statute. I am guided in this opinion by the late federal court justice Brad Selway. He was one of our leading legal minds whom I knew professionally. In the mid-nineties, he was the state's solicitor-general. He was taken too early from us at the age of 50. In his treatise *The Constitution of South Australia*, he makes clear that the state parliament was established by statute, not by the common law. Therefore, it will not be dissolved on the demise of the Crown.

According to Selway, although the rules regarding the demise of the Crown were received law in South Australia, the inconveniences I previously referred to have largely been cured by statute. He elaborates, arguing that the commonwealth and state parliaments are all established by statute, as I have said, and not by common law. Therefore, it is generally accepted in the law that parliaments established by statutes are not dissolved. Further, the Demise of the Crown Act 1901 (United Kingdom) provides in section 1(1):

> The holding of any office under the Crown, whether within or without His Majesty's dominions, shall not be affected, nor shall any fresh appointment thereto be rendered necessary, by the demise of the Crown.

Selway states:

> This provision applies by paramount force in South Australia. [Not only does] the provision avoid the common law rule that officers are vacated by the demise of the Crown, it also avoids the requirement that officers who take an oath of office, must take a fresh oath on the demise of the Crown.

Selway further states:

> Where an office is created or held pursuant to statute and the statute impliedly grants tenure to the office holder (as applies to most judges and public servants) such a statute would also seem to exclude the common law consequences of the demise of the Crown.
>
> 2.3.3 The distinctions between royal grants and other grants and privileges have been rendered inapplicable in that almost all grants and privileges are now governed by statute and are unaffected by the demise of the Crown.
>
> 2.3.4 The rule that all legal proceedings abated upon the death of the monarch has been overcome by statutory provisions. Section 1 of the Act of 1547 for 'the Continuance of Actions after the Death of any King of this Realm' provides that legal proceedings between party and party shall not be discontinued by the demise of the Crown.

Selway writes that this statute was received law into each of the Australian colonies. He continues:

> More importantly, ss 4 and 5 of Statute 1 Anne (1702), c 2 provide that, notwithstanding the demise of the monarch, all then existing types of criminal, civil, prerogative and equitable proceedings are to continue.

Again, Selway is of the view that this statute applied by paramount force to the colonies. Although these statutes have been replaced in whole or in part in the United Kingdom, in South Australia they still provide the basis for the continuance of legal proceedings upon the demise of the Crown.

Lastly, the distinction drawn in England between the personal and official or corporate capacities of the monarch in determining whether or not liability attaches to a monarch's successor has, according to Selway, little or no application in Australia. From the decision in China Ocean Shipping and South Australia [1979], it follows that it can be asserted that all debts and liabilities incurred by the Crown in Australia are incurred in an official or corporate capacity and that such debts and liabilities do not abate upon the demise.

Furthermore, the Crown Proceedings Act 1992 provides statutory rights of recovery in respect of debts and liabilities incurred by the government. Such statutory rights would also survive. In summary, I believe Selway rightly argued that the difficulties that might arise upon the demise of the Crown have been appropriately cured. I acknowledge that there is some support for this bill to be found in a 1984 report from the Law Reform Committee of South Australia. However, this report was in the context of repealing the imperial statutes relating to the demise of the Crown and replacing them with a bill similar to the one before us.

As to the application of these imperial statutes, South Australia follows the essential principle that all English law, up to the date of settlement both enacted and not enacted, was received into South Australian law from 28 December 1836 when this province was established. This ensured that the new province was immediately subject to the rule of law and that there has been no legal vacuum. After this date, the principle that imperial statute applied by paramount force became fundamental to South Australian law.

I am not one of those in the legal fraternity who has the view that the effect of the imperial statutes that were enacted to mitigate the effect of the demise of the Crown are piecemeal and that their application is uncertain. In my perspective, the imperial statutes are easy enough to find and apply. Further, since this report, a suite of legislation known collectively as the Australia Act were passed by both the commonwealth and Westminster in 1986. Presumably, section 3 of the Australia Act (Commonwealth) has been used by the government and parliamentary counsel to render unnecessary the repeal of the Imperial statutes currently in place. I ask the minister to clarify this and detail advice as to why this position has not been deemed sufficient.

I note that similar legislation has been adopted in several commonwealth jurisdictions. A similar rationale appears to have been adopted as being put forward for this bill. Commentary from other states on this issue has come to the same conclusion as I have—that it is most unlikely that the demise of the Crown would have any substantive effect upon the parliament or the offices of persons appointed under the Crown. However, in an effort to provide certainty, the default position has been to support a similar type of bill, if for no other reason than that it is clear that there will be no significant consequence when it does occur.

My questions for the government are: has the government received advice from the Solicitor-General? If advice has been received, is it on the basis of that advice that the government has taken a different view to that of Mr Selway? Is the government able to provide the chamber with examples where it anticipates difficulties on an occasion where there will be a demise of the Crown? In closing, I note that, after South Australia achieved self-government in 1857, the state has had to survive the passing of Queen Victoria in 1901, Edward VII in 1910, George V in 1936 and George VI in 1952. It seems we have done remarkably well without this bill.

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) (15:33): I thank honourable members for their contribution to this bill. The Hon. Andrew McLachlan has raised some questions during this debate in his typically colourful, flowery and verbose manner which we have all come to love and appreciate in this chamber. The advice is that the government cannot point to a specific past example where the demise of the Crown has had an unwanted effect in this state. However, the objective of this bill is to put the question of the effect of the demise of the Crown beyond doubt, because it is not currently beyond absolute doubt.

The honourable member helpfully quoted from Bradley Selway's *The Constitution of South Australia* and I know that, as a former lawyer at the Crown Solicitor's Office, that text was routinely handed out to a person who was either starting a summer internship or on their first day working for the Crown. However, I do not think Mr Selway's opinion was couched in completely unequivocal terms. Mr Selway argued that the inconveniences of the common law rules that acts of the monarch in a personal capacity did not survive the demise of the Crown were 'largely' cured by statute. I think Mr Selway specifically stated that 'it would now seem to be accepted that Parliaments established by statute are not dissolved by the demise of the Crown'—I think 'seem' is an important word there—and that the relevant statute 'would also seem to exclude the common law consequences of the demise of the Crown.'

The government is aware that the former Law Reform Committee of South Australia produced a report in 1984 on the topic of the demise of the Crown. The committee then recommended legislating to address uncertainty, stating on page 5 of its report, in relation to the piecemeal imperial and local statutes:

> it is inconvenient to have such scattered legislation; the language of some of the old Acts is not in keeping with modern times and might lead to…technical legal argument on the validity of certain things done;

The residual uncertainty leaves open the possibility of a legal challenge, and the government is acting out of an abundance of caution with this bill, as the Hon. Mr McLachlan said.

Further support for legislating is found in the fact that other states, including New South Wales, Queensland, Tasmania and Victoria, have previously enacted various provisions in their constitution acts dealing with the demise of the Crown—for example, specific provisions ensuring the continuation of parliament, legal processes, appointments and the use of the public seal. Section 3 of the Australia Acts provide essentially for the validity of state laws which are inconsistent with imperial or UK statutes. In further response to the Hon. Mr McLachlan's question on the drafting approach taken, I can confirm that the government considers it appropriate to address the issue of the uncertain effect of demise of the Crown in the terms in which this bill is drafted.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

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) (15:38): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (DECLARED PUBLIC PRECINCTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 October 2016.)

The Hon. M.C. PARNELL (15:38): I rise briefly to speak to this bill today. One of the reasons that I do not propose to take a lot of time dealing with this bill is that I am pleased to associate myself with the remarks of my colleague the Hon. Andrew McLachlan who, in a comprehensive contribution on 18 October, set out most of the issues that concerned the Greens. He read onto the record the submissions that we would have read if he had not done so.

I also note that the honourable member posed a large number of very important questions. On my count there are 20 questions that he posed. These are also questions that the Greens need answered, and we look forward to the minister doing so. We would like the minister to answer them at the conclusion of the second reading because, whilst I have associated myself with the comments of the honourable member, we reach a slightly different conclusion. The opposition will be supporting

this bill going through past the second reading, while the Greens believe that it has so little merit that we will be opposing it at the second reading.

The questions that the honourable member asked are sensible, and the submissions that he referred to are absolutely telling in the story they provide about what is wrong with this bill. The submissions I refer to are from the Law Society, the Youth Affairs Council and the Aboriginal Legal Rights Movement. If there is anything that those submissions have in common, it is how poorly thought through this legislation is. There are a large number of potentially unintended consequences, and that is on top of the scope for abuse that exists in the broad-ranging powers that the bill provides.

One of the unintended consequences that I think sums up pretty well how poorly thought through this bill is was in some notes from the Law Society that referred to the fact that there are a number of young people who come from very difficult backgrounds. They are effectively homeless, and they are regarded by the state as people for whom it is inappropriate to live at home.

These young people are in receipt of an allowance referred to as the 'unreasonable to live at home' allowance, yet the bill, as drafted, would have these minors caught in a declared precinct potentially being removed from that precinct with the suggestion that they should go home. Well, they do not have homes to go to in some instances. That is just one example of the many that are contained in the submissions of the Law Society, Youth Affairs Council and Aboriginal Legal Rights Movement.

Whilst the Greens look forward to the answers that the minister will hopefully provide at the conclusion of the second reading, unless it appears that there has been a colossal misunderstanding on our part in terms of the clear language of the legislation, I can see no way that the Greens are likely to support this bill at the second reading or beyond; therefore, we are opposing this legislation.

The Hon. G.E. GAGO (15:43): I rise on behalf of the government to support the Summary Offences (Declared Public Precincts) Amendment Bill. In short, this bill seeks to extend the powers that police officers have when dealing with people in licensed premises in order to ensure greater safety and enjoyment of our nightlife here in Adelaide.

The bill ensures that police will have a greater ability to control people in certain entertainment precincts which are declared by the Attorney-General. This is an important element of the bill, and it ensures that it is not a carte blanche extension of police power but merely an acknowledgement of the necessity for greater vigilance in high-risk areas. In his speech in the other place, the Attorney referenced precincts such as Hindley Street on Friday and Saturday nights as potentially being subject to declaration.

During my time in this place, I have worked as the minister for consumer and business services in the past, so I am very well aware of the high concentration of licensed venues within this precinct, and I am certainly well aware of the challenges that SAPOL face in policing those areas. I had many discussions with SAPOL representatives at the time on issues to do with violence, drunken and drug-fuelled episodes and generally bad behaviour, and the impact that that has on ordinary people who want to go along and have a night out and enjoy themselves, and how that sort of behaviour interferes with people's sense of enjoyment and also safety. The vast majority of patrons are obviously there to simply enjoy themselves but, as is far too often the case, there are a few, just that handful, that can ruin the enjoyment of the many.

To extend SAPOL's power to the areas surrounding these venues is a sensible and logical extension of these powers. What it means is that SAPOL will have the necessary powers to quickly and effectively defuse potentially volatile situations, which may be as simple as moving people on so that large crowds are able to disperse and tempers calm down. This will create an environment for those who wish to go out and have fun and enjoy the entertainment in those areas to be able to do so without fear of violence around them.

There are a number of reforms that I had some responsibility for a number of years ago and I know that those reforms had a significant impact on helping to decrease some of the alcohol and drug-fuelled bad behaviour. I think this government has shown that it is committed to continuing to assist with that problem and to working with stakeholders to ensure that we do even better again.

The government is committed to creating a safe environment for all South Australians and this includes creating a safe drinking culture. These laws will only impact people who are looking to go into entertainment precincts to cause trouble. Law-abiding citizens and people simply looking to have fun and a safe night out will not be in any way disadvantaged by these laws. On the contrary, this law will support and assist those who wish to enjoy entertainment, culture and, obviously, the excellent brews and vintages available from the fine venues that we have in Adelaide.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:47): I think everybody who wishes to contribute has already done so, so I rise to close the debate. In doing so, I thank honourable members who have contributed to the debate on this bill. As has been pointed out, the bill seeks to give police enhanced powers to effectively manage disorderly behaviour in declared public precincts. New powers will ensure that police responses to behaviour can be quickly and effectively carried out in the interests of public order and safety.

The Hon. Mr McLachlan asked a number of questions, I am advised, in his second reading contribution which largely relate to the Attorney-General's power to issue a declaration. An area can be declared to be a declared public precinct under proposed section 66N of the bill, I am advised. The declaration is made by the Attorney-General on his or her own motion or on the recommendation of the Commissioner of Police. Section 66N imposes some limits on the power of the Attorney-General to issue a declaration. A declaration can only be made if the Attorney-General is satisfied that there is a reasonable likelihood of conduct in the area posing a risk to public order and safety.

Furthermore, an area may not be a declared public precinct for longer than 12 hours in any 24-hour period unless special circumstances exist. A declaration must also be published in the *Government Gazette* and on a publicly available website. Although the bill does not require reasons to be published, there is nothing to prevent the Attorney-General from including those reasons on the website if he or she deems it appropriate. While the only requirement is that the declaration be published in the *Government Gazette* and on the website, it is anticipated that the Attorney-General would take further steps to make the public aware of such declarations. This may include media releases and social media updates.

Proposed section 66L also imposes a limitation on the power to make a declaration by providing that the powers to make a declaration or take any other action 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. The Attorney-General, as with all persons invested with statutory powers to make decisions, will exercise his or her statutory discretion to make a declaration in a sensible and reasonable manner on the basis of evidence provided and not for an improper purpose.

It is a matter for the Attorney-General to decide whether the evidence presented to him or her demonstrates that conduct within the area will pose a risk to public order and safety and to issue a declaration accordingly. Hindley Street on a Friday and Saturday night is an obvious example due to the high concentration of licensed premises, alcohol consumption and large groups of people, which can lead to serious violent behaviour if not managed appropriately.

Whether or not a single incident will be enough for a declaration to be made will depend on the nature of the incident and the likelihood of it occurring again. If a declaration is made on the recommendation of the Commissioner of Police, they will obviously have reasons for making such a request. How this request is presented to the Attorney-General and what evidence might be needed to support such a request will be an operational matter for police and the Attorney, which may depend on the circumstances of a particular declaration.

However, sufficient information will need to be supplied so that the Attorney-General is satisfied that there is a reasonable likelihood of conduct in the area posing a risk to public order and safety and that the inclusion of the public place is reasonable, having regard to the identified risk. If the information is intelligence based or disclosed as police methodology and/or is the subject of public interest immunity, it is likely that SAPOL would recommend that these elements of the request not be made public.

The Hon. Mr McLachlan also queried how declarations might be challenged. Although there is no mechanism in the act to appeal the making of a declaration, that does not mean that a declaration will never be subject to scrutiny by the courts. It is open to the court to consider the circumstances of the declaration if a person wishes to defend charges arising from exercise of the power by police in a declared public precinct. Alternatively, a party may wish to seek judicial review of the decision to make a declaration.

The Hon. Mr McLachlan has also expressed concerns that the powers could be used to declare an area around someone's home or declare areas of the Parklands as a strategy to disrupt gatherings of certain communities as well as remove their children. Although it is technically correct that a declaration could be made in relation to such areas, as long as the Attorney is satisfied that there is a reasonable likelihood of conduct in the area posing a risk to public order and safety, such a declaration would not be in keeping with the stated policy of the amendments, which is to give the police more flexibility to deal with antisocial behaviour and public disorder, particularly alcohol-related disorder, before more serious offending occurs, in entertainment precincts like Hindley Street.

The removal of children from declared public precincts would only occur if the police officer was of the view that the child was in a situation of serious danger. This is not a new power. Police already have the power under section 16 of the Children's Protection Act to remove a child from dangerous situations. What the bill does is set out for police, when exercising powers under that act, what might constitute a situation of serious danger in a declared public precinct.

If a child is removed from a declared public precinct, the officer must, in accordance with section 16 of the Children's Protection Act, take the child home, unless the child is under the guardianship of the minister or it would not be in the best interests of the child to return home. This allows police officers to consider a child's circumstances, including whether it is safe for the child to return home or not. If the child is not returned home, the child must be delivered into the care of Families SA.

The intention of the legislation is to protect children from dangerous situations that place them at risk; that is, danger of being physically harmed or injured, or danger of abuse. It is also a preventative measure to remove children from a declared area if they are behaving in an offensive or disorderly manner or are about to commit an offence before any judicial processes are invoked.

The Hon. Mr McLachlan also asked whether vehicles could be stopped and searched under the provisions of the bill. Police already have broad powers to stop and search a vehicle, for example, under a section 68 of the Summary Offences Act. This legislation is not intended to apply to vehicles travelling through declared public precincts. As I have mentioned, police have broad powers to deal with vehicles, whether or not they are in a declared precinct, and these powers are sufficient.

Sections 66R and 66S of the bill set out search powers for police within a declared public precinct. The wording of section 66R makes it clear that powers to require a person to submit to a metal detector search are in relation to a person within a declared public precinct, not a person who may be considering entering the declared public precinct, which is the wording used in current section 72A of the Summary Offences Act. Section 72A already authorises police to conduct metal detector searches of any person who is in, or is apparently attempting to enter or leave, an area to which this section applies. However, section 72A only applies to licensed premises, the car park of licensed premises and gazetted public events.

Section 66S has been included in the bill to allow police to carry out general drug detection under section 52A of the Controlled Substances Act in a declared public precinct. Again, this is not a new power. Police can already carry out general drug detection in relation to a person and any property in the possession of a person if the person is in licensed premises or its car park, a public venue or its car park, a public passenger carrier or a public place, if authorised by a senior police officer. A declared public precinct could be the subject of such authorisation.

In providing that a declared public precinct is a place in which general drug detection can be carried out, section 66S removes the need for police to undertake the administrative process of making an authorisation under section 52A in relation to these areas each time a new one is declared. The use of these powers is governed by section 52A of the Controlled Substances Act and the associated regulations. For example, general drug detection means walking or otherwise placing a

drug detection dog in the vicinity of a person or property, or using an electronic drug detection system in a manner prescribed by regulation.

Among other things, the regulations provide that, in relation to a person, samples of particulate matter may be taken from the outside of the person's clothing and the person's hands for the purpose of analysis to detect illegal substances. The person cannot be required to remove, undo or rearrange any clothing for the purpose of taking such samples and in taking samples, care must be taken to avoid disturbing the person's clothing.

The Hon. Mr McLachlan has also referred to SAPOL's annual report for 2014-15. Advice from SAPOL is that the intent of the legislation is to support and continue improvements in the safety of the community in public areas, including in entertainment precincts. If enacted, the bill would provide police with authorities to maintain or restore public order in defined circumstances and/or limited to a geographical area, where the risk of antisocial behaviour has been assessed as high. It is intended that the assisted ability to provide a safe precinct in which to deter or address antisocial or violent criminal behaviour, will increase use of public spaces by attracting families and law-abiding people to the area whilst continuing the decrease in public order and disorderly offences.

I am also advised that although SAPOL already has some powers in the Summary Offences Act and the Liquor Licensing Act that can be used to deal with incidences of public disorder, many of these powers have limitations, as they either rely on police arresting and charging a person in order to remove them from the area, or they are limited to licensed premises and cannot be utilised in surrounding laneways or other public spaces. The current powers are generally working. However, SAPOL and the government consider that the ability of officers to react and effectively manage inappropriate behaviour in real time could be enhanced by extending current powers and allowing them to be used within a declared area.

The concerns expressed by the Law Society, the Aboriginal Legal Rights Movement and the Youth Affairs Council of South Australia were considered as part of the consultation process and some amendments were made to the bill as a result. The government is of the view that the safeguards in the legislation are adequate and does not agree with ALRM and the Law Society that special circumstances should be defined in the legislation or that section 66N(1)(b) should be removed. The purpose of paragraph (b) is to give police the power to move on a person or persons from a declared precinct before an offence occurs. For example, if there was a large group of heavily intoxicated individuals congregating in one spot, an officer would be able to require them to leave the precinct under (b), but not necessarily under paragraph (a).

The offence in section 66P is expiable to act as a deterrent to antisocial behaviour in declared public precincts. It is based on section 117A of the Liquor Licensing Act and it allows police to fine a person without having to resort to charging the person with an offence, thereby diverting people away from the courts, but still giving the message that antisocial behaviour in these precincts is unacceptable. If the behaviour is serious enough to warrant a higher penalty, then police would still have the option of charging the person with an offence. As a result of the consultation process, the expiation fee was reduced from $500 to $250.

The Hon. Mr McLachlan also questioned how police will know that an individual has been barred from a declared public precinct. The new powers to request that a person leave a particular precinct, or to bar a person from a declared public precinct, give police additional tools to deal with those who are looking to cause trouble in entertainment precincts and to defuse situations that may result in violence, if left to escalate.

How police will prevent a person from re-entering a precinct if they have been barred is an operational matter for them. This operational task is currently undertaken and managed as part of the powers that police have to bar persons from licensed venues. SAPOL have advised that the system which supports licensed premises barring orders may be used (with modifications) by operational officers in declared public precincts. CCTV may also be used in support of subsequent investigations and/or court processes. Obviously, if a person tries to re-enter a precinct and is caught, they can be charged with an offence under the relevant section.

The Hon. Mr McLachlan also referred to a Victorian report into that state's stop and search powers and questioned why there are no reporting obligations in the bill. Rather than inserting any

specific reporting requirements into the bill, the Attorney is happy to make an undertaking that, after a year of operation, he will make inquiries with the Commissioner of Police as to the operation of these laws and how they are being used by police.

As was made clear in the other place, the issue of safety in our city and on our streets is a very important issue. These powers will not be used to declare every street as a declared precinct. They will be limited in time, not only by days but also by hours, and they will be limited in place. The only people who would be negatively impacted by this legislation are those who want to come into the city and cause trouble. These people will soon realise that it is not a good idea to carry weapons or drugs or look to start fights in these precincts, as they may find themselves subject to a metal detector search for concealed weapons or general drug detection for illegal drugs and end up charged with a serious offence.

These powers are about making the city a safer place for law-abiding members of the public who simply wish to come into the city and have a good time and access public spaces. This legislation and these powers will assist police to manage entertainment precincts and to enhance the safety of entertainment precincts for all South Australians. Finally, just to further reflect on the policy behind this legislation, this is a public safety measure. The government is committed to creating a vibrant city and a vibrant state where people can go out and feel safe. I would again like to thank honourable members for their contributions and I look forward to dealing with this in the committee stage.

Bill read a second time.

CONTROLLED SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2016.)

The Hon. S.G. WADE (16:05): I thank the council for its patience. I rise to speak on the Controlled Substances (Miscellaneous) Amendment Bill 2016. The bill makes minor changes to the Controlled Substances Act 1984 predominantly in response to a COAG agreement to align poison controls across jurisdictions. Clause 4 is intended to reduce reporting requirements for suppliers of schedule 7 poisons and makes it easier for businesses operating across state boundaries.

These changes are in response to nationally agreed controls over poisons and align the South Australian law with these standards. In practice, the changes will remove the obligation for suppliers of schedule 7 poisons to record the purpose of each purchase. I was advised at the briefing that the retailer is still required to inquire about the purpose of the purchase, but not to record it. The requirement to record the occupation of the purchaser, which is also a uniquely South Australian requirement, is also removed by the bill. It is asserted that these details can be implied through the type of licence under which a poison is purchased.

Schedule 7 poisons can only be sold to a person holding a pest control licence or to a farmer with an accreditation. These are not generally available poisons that one might expect someone with nefarious purposes might try to obtain. They are only available to people in specified categories. In that regard, I thank the minister and his office (I think it is minister Snelling) for the response to the information that I requested at the briefing. For the benefit of the house and for the record, I will share that.

Schedule 7 poison retailers are required by their licence provisions to restrict schedule 7 poison sales to three classes of person. The first class is persons licensed by the Department for Health and Ageing to carry out pest control activities in South Australia. Currently there are 2,141 such licence holders. The second class is persons licensed by the Department for Health and Ageing to possess a specific schedule 7 poison, called chloropicrin in South Australia. Currently, there are 10 licence holders in this category. The third category is persons who hold a current chemical user accreditation in South Australia, issued by a registered training organisation. That is by far the largest group, with currently 12,915 accredited persons.

The note from the minister's office indicates that regulation of chemical users is under Agricultural and Veterinary Products (Control of Use) legislation, administered by PIRSA. The

minister's office also advises me that the auditing of the schedule 7 retailers is carried out by the Department for Health. The average annual inspection rate is around 7.8 per cent of all licensed schedule 7 poison retailers, and that is a five-year average. I need to correct the record and apologise: the minister responsible is minister Vlahos, and her advisor has been assisting with that information. So, that is clause 4 of the current bill.

Clause 5 of the bill relates to the administration of prescription medicines to animals and seeks to reinstate the requirement that a person is only permitted to administer a schedule 4 prescription drug to an animal if the minister has licensed that person to do so. This is a requirement that was omitted from the act in 2011. Once again, the opposition supports remedying this omission. The bill also seeks to address ambiguity between the terms 'selling' and 'supplying' drugs under clause 6. This ambiguity has been seen as a problem in the application of section 57 of the act, where the minister is given the power to issue a prohibition order against a person where a person has sold a prescription drug in an irresponsible manner.

In closing, I again make the point that, whilst we do not oppose this bill, in my view, it highlights the government's lack of a legislative program. The nationally agreed controls that this bill responds to were released in May 2013. This act has been open twice since then—first in July 2013 and again in February 2014. The government had plenty of opportunities to make these simple changes when the act was open previously. It seems unnecessary to spend time bringing a separate bill before the chamber, unless of course you are a listless, lazy government with a lack of a legislative program.

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) (16:10): I thank members for their contributions on this bill and look forward to the committee stage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

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) (16:12): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2016.)

The Hon. A.L. McLACHLAN (16:13): I rise to speak to the Criminal Law Consolidation (Mental Impairment) Amendment Bill 2016. I speak on behalf of the Liberal opposition and I indicate that the opposition supports the second reading of this bill. In November 2014, the Sentencing Advisory Council released a report on the operation of part 8 of the Criminal Law Consolidation Act. In consideration of the operation of part 8A of the Criminal Law Consolidation Act, the council considered the following:

- a test of mental incompetence in section 269C;
- the fixing of limiting terms; and
- the supervision of defendants released on licence pursuant to section 269O.

In November 2014, the council completed its report, which made 27 recommendations. The bill before the chamber implements a number of these. I note, however, that one of the significant

amendments contained in this bill regarding changes to the mental impairment defence is contrary to recommendations 9, 10 and 11 in the council's report. I will come back to that later in my remarks.

The bill before us introduces various amendments to the Criminal Law Consolidation Act. It firstly amends section 269C by clearly defining mental incompetence, so that a defendant who invokes the mental impairment defence needs to be totally unable to control his or her conduct; partial inability will no longer be sufficient. It introduces a requirement that community safety is to be the paramount consideration for a court when determining whether to release a defendant on licence. It inserts a new provision that enables a person released on licence to be administratively detained for up to 14 days if future licence breaches are likely, or treatment is required to prevent future breaches.

This is a difficult and vexing issue, as expressed by the shadow attorney, the member for Bragg in the other place. Indeed, I am very uneasy with any formal power of detention—that does not sit comfortably on my shoulders. In the circumstances, the Liberal Party is not opposing the provision. We note the Law Society's objections. We acknowledge, however, that the objective of the provision is preventative in its characterisation and intent. I ask the minister, in his second reading summing up, to directly address the concerns of the Law Society, and later in my submission I intend to read the Law Society submission into *Hansard*.

I also ask the minister, in summing up the second reading, for examples of what evidence will be required for such a determination to be made that a future breach is likely, how this is established and what burden of proof will be required. I note the bill sets out a range of extra powers which are available to the police when dealing with a person detained under these provisions. This includes the power to use reasonable force to break into a place in order to take a person into the officer's care and control. I also note that this provision denies the person subject to such detention the opportunity to be heard in court.

The bill states that the prescribed authority decides where the person shall be detained, or, if no such person exists, a person declared by regulations. I ask the minister: what qualifications would the person envisaged to be invested with such significant powers by way of regulation be required to possess? I also ask: what type of facility will licencees be detained in, given that James Nash House is often at capacity? Will it be an appropriate mental health facility? The bill also inserts new provisions to provide for the continued supervision of a defendant, as, currently, once a limiting term expires they are released unconditionally.

The bill also introduces a greater and more flexible range of options available to the court in the summary jurisdiction. For example, the court will now have the option to dismiss the charge, discharge the defendant unconditionally, adjourn proceedings, remand the defendant on bail, or make any other order the court thinks fit. The number of expert reports required by the court has also been reduced with the aim of reducing complexities and delays in the court process. The bill also provides for the interstate transfer of people who have been released on licence, to enable them to move interstate, or vice versa, to participating jurisdictions.

One of the major areas of reform contained in the bill is the amendment to the mental impairment defence. The mental impairment defence requirements are currently set out in section 269C of the act. This section currently states that:

> A person is mentally incompetent to commit an offence if, at the time of the conduct alleged to give rise to the offence, the person is suffering from a mental impairment and, in consequence of the mental impairment—
>
> (a) does not know the nature and quality of the conduct; or
>
> (b) does not know that the conduct is wrong; or
>
> (c) is unable to control the conduct.

The burden of proving that the defendant was mentally incompetent lies with the party advancing that assertion. The council's review considered the relationship between the mental incompetence defence and the law relating to intoxication, given that there are no provisions in the act specifically addressing the issue of comorbid mental impairment and substance use.

Further to this, the Attorney-General's Department conducted a file review of cases where there has been a finding of not guilty on the basis of mental incompetence in the South Australian

District and Supreme Courts between 2006 and 2012. A total of 55 cases were reviewed. Statistics revealed that almost a quarter of offenders who have successfully used the mental incompetence defence were suffering from an impairment caused by drug-induced psychosis, or substance abuse or dependence.

It has been asserted in government quarters that this has caused concern that the threshold for this defence has been too low. Perhaps a better way of putting it would be: an opportunity was seen to make another statement on law and order policy. In response to this finding, the bill introduces a new provision that prevents defendants from utilising the mental incompetence defence if it was caused by self-induced intoxication. This applies whether the intoxication occurred at the time of the relevant conduct or any other time before the relevant conduct.

In these circumstances, the defendant would instead be dealt with under part 8's intoxication provisions. The bill also introduces a definition of 'intoxication' into that section, defining it as 'a temporary disorder, abnormality or impairment of the mind that results from the consumption or administration of a drug'. I note that while some of the recommendations contained in the Sentencing Advisory Council's report are being implemented by this bill, this amendment considering the mental impairment defence is not one of them. In particular, recommendations 9, 10 and 11 of the report advise that the existing provisions on intoxication and mental impairment should not be amended. The Sentencing Advisory Council's recommendation 9 states:

> The Criminal Law Consolidation Act 1935 should not be amended to prevent people from relying on the defence of mental incompetence when their inability to understand the nature and quality of their conduct, inability to understand that it was wrong, or incapacity for self-control was a consequence of the combined effects of mental illness and a state of self-induced intoxication.

Recommendation 10 states:

> The Criminal Law Consolidation Act should not be amended to prevent people from relying on the defence of mental incompetence when their mental illness was caused by the use of intoxicants, but is not permanent, prolonged, persistent, protracted or enduring.

Recommendation 11 states:

> The existing provisions on intoxication and mental impairment in the Criminal Law Consolidation Act should be retained without change.

I question the point of asking the leaders in the field who make up the Sentencing Advisory Council, only then to ignore their advice.

The members of the Sentencing Advisory Council are as follows: the Hon. Kevin Duggan, former Supreme Court judge, as its chair; Peter Alexander, community representative; Ms Liesl Chapman SC, representative of the Bar Association of South Australia; Ms Linda Williams, Assistant Commissioner of SAPOL, representative of South Australia Police; Ms Stacey Carter, representative of the Law Society of South Australia; Mr Jonathon Rice, community representative; Ms Roseanna Healy, community representative; Commissioner Mr Michael O'Connell, Representative of the Commissioner for Victims' Rights South Australia; Ms Caroline Mealor, Deputy Chief Executive (Legal), representative of the Attorney-General's Department; Mr Ian Press, Managing Prosecutor, representative of the Director of Public Prosecutions; Ms Frances Nelson QC, Expert Member, Presiding Member of the Parole Board of South Australia; Greg Mead SC, Expert Member, Senior Solicitor, Legal Services Commission of South Australia; Mr Ian Leader-Elliott, Expert Member, Emeritus Fellow, Adelaide University School of Law, Adjunct Professor, University of South Australia Law School.

In my view, it is just another demonstration by this government that law and order politics trumps the judgement, counsel, wisdom and advice of leaders in our society who are closer to the problems affecting our citizens and have the solutions which the government benches ignore. In the circumstances, I ask the minister in summing up the second reading to address directly why the government has not followed the advice of the council. In particular, what objections does the government have with the reasoning of the council on this issue? As I have indicated, I also request the minister deal directly in the summing-up with the concerns raised by the Law Society. The Law Society in its correspondence with the Attorney-General, dated 30 May 2016, and signed by David Caruso, the President, is as follows:

3. The Part 8A statutory regime, however, means that persons found to be mentally incompetent or unfit to stand trial are not arbitrarily and indefinitely detained and such persons are subject to review during the limiting term. As such, Part 8A provides a degree of certainty and protection to defendants and the community.

4. The Society supports the introduction of an alternative regime for summary and minor indictable offences. The current requirement to order three reports in respect of defendant's charged with minor matters is often a lengthy and unnecessary process. The Society welcomes the introduction of options for the Court in these types of matters.

It goes on at paragraph 5:

5. An option that would be beneficial to all parties is if the Courts could have regard to previous reports. An accused person may be on a licence pursuant to Part 8A of the Act and offend again. This can happen soon after the person is released on licence. Rather than the time and expense of compiling a further three reports, the Courts ought to be able to have regard to and rely on those reports previously received.

The letter goes on in further paragraphs to criticise the 14-day detention, which I have already addressed in my submission. I would like to go to paragraph 9, titled Self-Induced Intoxication, which is the area I would specifically like the government to address:

9. The Society does not support the introduction of s 269C(2) that would preclude those found to be mentally incompetent but whose conduct was caused (wholly or in part) by self-induced intoxication, from being dealt with under Part 8A of the Act.

10. The most fundamental reason that the Society is opposed to this amendment is because 'Drug Induced Psychotic Disorder' is a recognised medical condition pursuant to the Diagnostic and Statistical Manual of Mental Disorders (DSM-5).

11. A further reason why a restriction on self-induced intoxication ought to be avoided is because the medical evidence suggests that it is often difficult for a psychiatrist to be certain of a diagnosis because methylamphetamine and cannabis use can induce a psychosis that can present in a very similar way to schizophrenia.

12. The overriding consideration is that a person should not be guilty of a criminal offence if he/she is not mentally competent to commit the offence.

13. The Society does not support the creation of a definition for the 'self-induced' use of drug (s 269A). The voluntariness or otherwise of a state of intoxication add a layer of complexity which inappropriately and unfairly detracts from the principal issue of mental incompetence as a consequence of mental illness. A person who is mentally incompetent to commit an offence should not be precluded from such a finding because of 'self-induced' drug use. To do so would expose an accused to the grave injustice of a guilty verdict in circumstances where they are mentally incompetent to commit the offence.

14. The question for the Court is causation and persons who fall in this category should not be prevented from advancing the mental impairment defence.

15. Drug use is a serious issue in our community. However, the criminal law is not the vehicle to deal with this problem. The criminal law must be concerned with an individual's culpability.

The Liberal Party will support the second reading of the bill. I alert the government that I may have further questions at the committee stage.

The Hon. D.G.E. HOOD (16:27): I rise to speak on the Criminal Law Consolidation (Mental Impairment) Amendment Bill. This bill is based on the Sentencing Advisory Council's recommendation report on the operation of part 8A of the Criminal Law Consolidation Act 1935 that evaluates the mental incompetence defence in particular.

The Sentencing Advisory Council was established in January 2012, consisting of a broad range of experts, just outlined by my colleague the Hon. Mr McLachlan, with diverse experience and knowledge in the area of criminal justice. The terms of reference for the review were referred to by the advisory council in March 2013. Thereafter, the council released a discussion paper in July 2013 and finally a recommendation report in November 2014. Since the final report, legislative reform has taken two years to reach this place. Family First believes reform in this area is long overdue; nonetheless, we are generally supportive of the proposed legislation before us today and will be supporting it at the second reading.

Importantly, this bill amends the Criminal Law Consolidation Act 1935 to deny defendants from relying on the mental incompetence defence where their mental impairment was the result of self-induced intoxication. According to statistics contained in the advisory council's final report, based on District and Supreme Court cases between 2006 and 2012, 25 per cent of individuals reported to have consumed or at least tested positive to drugs and/or alcohol in the weeks or days leading up to the commission of the offence. This is indeed an alarming statistic—one that highlights the proliferation and use of illicit substances and the serious harm caused by their consumption which, evidently, often leads to the commission of crimes.

Family First strongly supports raising the bar on this defence, which requires total inability to control behaviour rather than partial inability. Where a person is in a state of drug-induced psychosis, for example, or is suffering from mental impairment as a result of self-induced intoxication, it is entirely appropriate to deny them access to the mental incompetence defence under section 269C of the Criminal Law Consolidation Act. Simply put, people need to take responsibility for their own actions.

Moreover, this bill places particular emphasis on community safety. The bill explicitly states that, while considering the release of a defendant with mental impairment, the court must give more weight to community safety over and above the defendant's freedom and personal autonomy. This is the cost of community safety. We are satisfied that this is reasonable and a necessary trade-off and we support this provision.

We acknowledge the concerns regarding the proposed administrative detention order which allows up to 14 days detainment of a licensee without a court hearing. However, the merit of this proposed order must be considered with community safety in mind. Where there are legitimate risks to community safety, there should be no delay in removing a person from a situation where they may either harm themselves or are at risk of harming others.

As with any other discretion, we would hope that this discretion resting with a prescribed authority will be exercised properly and in accordance with its object and purpose. This discretion should only be exercised under circumstances where legitimate risk to community safety exists, rather than exercised arbitrarily or oppressively or in any way inappropriately. We trust and believe that there are proper checks and balances in place. Perhaps the minister responsible for the passage of this bill can address this concern at the end of the second reading debate or in the committee stage when summing up.

Moving on, this bill also establishes continuing supervision orders which allow the extension of licence conditions before the expiry of a limiting term through an application to the Supreme Court. It is very important that we address the existing legislative oversight which, I have been advised, could potentially allow a defendant to be released unconditionally, despite being a risk to community safety. Again, this amendment is necessary, in our view, to avoid potential harm to the community and to the defendant themselves, who may not be in a proper state of mind to re-enter the community. Therefore, we are also supportive of continuing supervision orders.

This bill comes at a time when mental incompetence defence is at the forefront of community debate, recently sparked by the tragic Cy Walsh case. I believe this bill will generally be well received by the public and there is a continuing theme of community safety throughout the bill. For those reasons, we will be pleased to support the second reading.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

HISTORIC SHIPWRECKS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2016.)

The Hon. J.M.A. LENSINK (16:32): I rise to make some remarks in relation to this very uncontentious piece of legislation. This bill amends the Historic Shipwrecks Act to update protections for South Australia's shipwrecks and relics of historic importance. The original Historic Shipwrecks Act 1981 was introduced to protect South Australian shipwrecks and relics from removal, damage

and exploitation. Currently, as I understand it, any wreck in South Australian waters that is at least 75 years old is automatically classified as historic and is protected under the act. There are other provisions under which the minister may also make a declaration regarding a shipwreck prior to that 75-year period.

In 1976, the federal government recognised the need to protect the integrity and future of shipwrecks and introduced the Historic Shipwrecks Act 1976 and South Australia followed suit a few years later, with the express purpose of protecting those vessels that are in South Australian waters. South Australia currently has two protected zones, one for the recreational dive site of the HMAS *Hobart* and one for the *Zanoni*, a 135-year-old vessel located somewhere near Ardrossan, which is the most complete 19th century merchant ship wrecked in South Australia.

The government has advised that since the introduction of marine park sanctuary zones, DEWNR has become more aware of illegal activities in and around the zones. Indeed, I note from the budget estimates process this year that, when the minister was specifically asked about marine parks, this matter of the historic shipwrecks breaches came up. On 1 August in Estimates Committee B, minister Hunter was replying to a question from the member for Hammond in relation to marine park expiations. Part way through his reply, the minister said:

> …there were a number of incidents related to a historic shipwreck. I can advise that, as of July this year, there have been over 3,000 shore based, 280 vessel and 70 aerial compliance patrols. That has resulted in the issuing of 31 educational letters…240 formal warnings, six expiations and 23 prosecutions—

which is a large number I have to say—

> under the Historic Shipwrecks Act…

Clearly, a significant amount of activity has been detected through those processes. Currently, a permit is actually required to enter a zone either by vessel diving or other means. Clearly, as shipwrecks are old and delicate and continuing to deteriorate, even dropping an anchor or a fishing line may cause further damage.

They also have the tendency to be in an aggregation area for fish, so that has increased their appeal for those who would like to fish off them. However, we obviously do not want people to fish off them, so there are proposed increased penalties under the act, including the introduction of an expiation fee, which will be done by regulation. At this point, I would like to refer to the background document which I was, I think, placed on the YourSAy website. It has an overview and on page 3, at table 1, it has a number of proposed penalties. I table that, just to indicate what we, at least, have been advised the government intends to do.

There are also amendments to the powers of authorised officers, so that those officers who are authorised under the Historic Shipwrecks Act will have similar powers to those under the fisheries act and the Marine Parks Act. There are some administrative changes to enable the minister to transition classification prior to the 75-year period as well as delegation powers and amendments to information provisions of the register. It does appear from the information that the government has provided that there was appropriate consultation and that was positive.

I would like to ask the minister, when he does his summing-up or at some point in the committee stage, whether he can actually provide some detail about the fleet of compliance vessels across the different areas, those being fisheries, management for this area of historic shipwrecks, which may actually include marine and harbours staff, and the marine parks area because I think there is some confusion about how many vessels there actually are. If he can let us know where they are based and how many authorised officers there are who are able to be involved in compliance in each of those activities. With those remarks I commend the bill to the house.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

STATUTES AMENDMENT (PLANNING, DEVELOPMENT AND INFRASTRUCTURE) BILL

Second Reading

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) (16:39): I move:

That this bill be now read a second time.

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

Leave granted.

I introduce the Statutes Amendment (Planning, Development and Infrastructure) Bill 2016.

This Bill is 'procedural' in the sense that it enables the Government to commence a coordinated, orderly and phased three to five year implementation program for the new planning system under the *Planning, Development and Infrastructure Act 2016*. The Bill:

- is an exercise in transitioning from the existing planning system under the *Development Act 1993* to the much needed contemporary and competitive planning system under the new Act;
- comprises transitional and saving provisions as well as consequential amendments to other statutes necessary for the *Planning, Development and Infrastructure Act 2016* to come into operation; and
- in effect provides the ability to turn aspects of the new planning system on and aspects of the current system off as the new planning system is implemented in phases.

Although it is procedural in nature, it is important as it will allow South Australia to begin to realise the economic and social benefits of a contemporary and competitive planning system. The significant planning reform process has been the initiative of this Government which began in 2012 with the appointment of the Expert Panel on Planning Reform.

It is also important to note that a substantive amendment to the Act is proposed through this Bill. That amendment is to clarify that the responsibility for and ownership of State Planning Policies rests ultimately with the Minister for Planning and Government of the day, notwithstanding that their policies will be informed by the Commission and its consultations. This amendment corrects an inconsistency between different State Planning Policies and the responsibilities for the same, which occurred due to an amendment of the Planning, Development and Infrastructure Bill in the Legislative Council.

At the request of industry groups, including the Urban Development Institute of Australia and the Property Council, the Bill provides the ability to pilot the infrastructure schemes early upon request. This is recognition from the development industry of the potential benefits of the infrastructure schemes and their willingness to work with government in testing these schemes early.

This government assures that every effort will be made to support business as usual, during the engagement and implementation phases of this new planning system, until each element of the new system is ready to go live. To ensure the most efficient and effective introduction of the changes, preparation for the implementation of the new system is already occurring in partnership with Government departments, councils and industry groups. Indeed, many of them have indicated their support and enthusiasm for the initiatives contained in the new planning system.

Subject to the successful passage of this Bill, broadly the proposed implementation of the new planning system involves:

- Appointing the State Planning Commission (the Commission) by April 2017;
- the Commission leading development of the Community Engagement Charter (the Charter);
- the Commission developing necessary statutory instruments, including the Planning and Design Code (the Code) by mid-2018, in consultation with the community, as provided for in the Charter;
- the Code and new assessment pathways will be implemented by mid to late 2018, supported by the new ePlanning system which is proposed to be fully operational by 2019.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The various provisions of this measure will be brought into operation by proclamation. Consistent with section 2(2) of the *Planning, Development and Infrastructure Act 2016*, section 7(5) of the *Acts Interpretation Act 1915* will not apply to this measure.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

4—Amendment of section 58—Preparation of state planning policies

This amendment provides that the Commission will prepare state planning policies under the Act on behalf of the Minister.

5—Amendment of section 59—Design quality policy

The requirement to prepare the design quality policy is to rest with the Minister rather than the Commission.

6—Amendment of section 60—Integrated planning policy

The requirement to prepare the integrated planning policy is to rest with the Minister rather than the Commission.

7—Amendment of section 63—Special legislative schemes

The requirement to prepare a state planning policy with respect to each special legislative scheme is to rest with the Minister rather than the Commission.

8—Amendment of section 73—Preparation and amendment

These are consequential amendments.

9—Amendment of section 78—Early commencement

This amendment inserts some words that were inadvertently omitted from the Act at the time of its passing by Parliament (and which are obviously intended to appear as provided by this amendment).

10—Insertion of Schedule 8

This clause inserts a new schedule into the Act for the purposes of addressing the various transitional issues associated with the implementation of the new statutory scheme. Any legislation such as the *Planning, Development and Infrastructure Act 2016* requires extensive transitional provisions so that it can be brought into operation successfully. A more detailed explanation of these provisions is as follows:

Schedule 8—Transitional provisions

Part 1—Preliminary

1—Interpretation

This clause sets out the definitions that are required for the purposes of the schedule. Many of the provisions will have effect from a day appointed by proclamation for the purposes of the particular provision.

2—Saving of operation

This clause makes it clear that a provision of the *Development Act 1993* may still be relevant for the purposes of the schedule even though the provision has actually been repealed (subject to any modification or other provision that may apply under the schedule).

Part 2—Definitions and change of use

3—Definitions

This clause will allow the concept of a development authorisation under the new Act to include a development authorisation under the *Development Act 1993*. This may be relevant to, for example, a proposal to apply for a variation to an earlier development authorisation. It is also the case that Development Plans under the *Development Act 1993* may, at least to some extent, be relevant to the assessment of development under the new Act (during a transitional phase). This therefore needs to be reflected in the definition of *Planning Rules*.

4—Change of use of land

This clause sets out a scheme to transition from the current provisions of the *Development Act 1993* relating to changes in use of land to the provisions of the new Act. Included are provisions to provide expressly for periods of discontinuance that may 'straddle' the operation of the two legislative schemes. Another provision will allow sections 4(4) and (5) of the new Act to apply under the *Development Act 1993* in one or more areas designated by proclamation ahead of the whole legislative scheme under the new Act coming into operation).

Part 3—Commission and preliminary structural reforms

Division 1—Commission

5—Establishment of Commission

This clause sets out a scheme for the commencement of the provisions of the new Act relating to the establishment of the new State Planning Commission and also provides for the commencement of other sections identified as involving or including various functions of the Commission.

6—Commission authorised to assume functions under the repealed Act

This clause will allow the State Planning Commission to assume various functions, powers and duties of certain entities that currently exist under the *Development Act 1993* (so that the Commission may act under that Act ahead of the whole legislative scheme under the new Act coming into operation.

Division 2—Regions

7—Regions

This clause sets out specific transitional provisions in connection with the establishment of regions under the new Act.

Division 3—Preserving existing authorisations and rights

8—Preserving existing authorisations and rights

This clause sets out a scheme for the implementation of section 7 of the new Act so as to allow a transitional period to apply with respect to existing development authorisations for the division of land or for existing planning consents for the division of land.

Part 4—Planning instruments

9—Planning and Design Code

This clause sets out specific transitional provisions associated with the preparation and implementation of the Planning and Design Code. The provisions recognise that a period of time will be required before a comprehensive version of the code will be ready and that in the meantime parts of the existing Development Plans will still be relevant for the purposes of the new Act. In connection with this scheme, provisions of existing Development Plans will be altered or removed as the new code is developed and implemented.

10—Local heritage

This clause provides for places of local heritage value under the *Development Act 1993* to continue to be designated as places of local heritage value under the new code.

11—Significant trees

This clause provides for the designation of a tree as a significant tree under a Development Plan to continue under the new code.

Part 5—Relevant authorities

12—General transitional scheme for panels

This clause will allow the scheme for council assessment panels under the new Act to apply for the purposes of the *Development Act 1993* ahead of the complete legislative scheme under the new Act coming into operation.

13—Regional assessment panels

This clause will allow the scheme for regional assessment panels under the new Act to apply for the purposes of the *Development Act 1993* ahead of the complete legislative scheme under the new Act coming into operation.

14—Assessment managers

This clause will allow the scheme for assessment managers under the new Act to apply for the purposes of the *Development Act 1993* ahead of the complete legislative scheme under the new Act coming into operation.

15—References

This clause will ensure that references in other Acts and other instruments and documents to a relevant authority under the *Development Act 1993* may be taken to include a reference to a relevant authority under the new Act (unless the context otherwise requires).

16—Accredited professionals

This clause will allow the accreditation scheme under the new Act to be effectively suspended until a date to be fixed by proclamation.

17—Removal etc of private certifier

This clause will expressly allow section 96 of the *Development Act 1993* to continue to operate to and in relation to the engagement of a private certifier entered into before the repeal of that section by this Act.

Part 6—Existing applications

18—Continuation of processes

This clause sets out provisions to ensure that applications lodged and being considered under the *Development Act 1993* before the assessment scheme commences under the new Act will continue to be subject to assessment under the provisions of the repealed Act (but will then be subject to certain provisions of the new Act from the point that a decision is made).

19—Appeals

This clause preserves certain appeal rights under the *Development Act 1993* at the time of transition to the new assessment scheme.

20—Major development or projects

This clause sets out a transitional scheme in relation to major development or projects.

21—Crown and infrastructure development

This clause sets out a transitional scheme for Crown and designated infrastructure development.

22—Building work

This clause provides for the application of certain provisions relating to building work and related issues to development approvals given under the *Development Act 1993* and will expressly preserve certain notices and rights under the *Development Act 1993* after the repeal of relevant provisions.

Part 7—Development Plans relevant to assessments under this Act

23—Application of Part

The clauses in this Part will allow for the transition from the existing scheme for planning assessment of various categories of development to the scheme under the new Act. (This is connected to the gradual phasing in of the Planning and Design Code.)

24—Complying development

25—Non-complying development

26—Merit development

Part 8—Building activity and use

27—Classification and occupation of buildings

This clause will provide that the scheme under Part 11 Division 4 of the new Act will not apply to or in relation to a building owned or occupied by the Crown (or an agency or instrumentality of the Crown) before this part of the new Act comes into operation (as the corresponding provisions of the *Development Act 1993* do not currently apply to such buildings).

28—Swimming pool safety

This clause will allow the new provisions and scheme for swimming pool safety to take effect under the *Development Act 1993* before the assessment scheme under the new Act commences.

29—Fire safety

This clause is a transitional provision relating to the application of the provisions of the new Act relating to fire safety as they apply to buildings owned or occupied by the Crown (or an agency or instrumentality of the Crown).

Part 9—Infrastructure frameworks

Division 1—Pilot schemes may be authorised

30—General schemes

This clause will allow the Minister to authorise one or more 'pilot' schemes to be implemented under Part 13 Division 1 Subdivision 3 of the new Act if the Minister is acting at the request of a person or body interested in the provision or delivery of infrastructure and if the Minister is satisfied that the scheme is suitable to proceed as a pilot scheme.

Division 2—Operation of schemes during transitional period

31—Operation of schemes during transitional period

This clause reflects the fact that the Planning and Design Code is to be phased in gradually.

Part 10—Land management agreements

32—Land management agreements

This clause will provide for the continuation of land management agreements entered into under the *Development Act 1993*.

Part 11—Funds

33—Funds

This clause will provide for the continuation of various funds under the *Development Act 1993*.

Part 12—Proceedings to gain a commercial competitive advantage

34—Proceedings to gain a commercial competitive advantage

This clause reflects the fact that the Planning and Design Code is to be phased in gradually.

Part 13—Authorised officers

35—Authorised officers

This clause provides for the on-going appointment of authorised officers.

Part 14—Advisory committees

36—Advisory committees

This clause provides that a committee established under section 244 of the new Act will have a sunset provision that takes effect on 30 June 2019.

Part 15—Other matters

37—Proclamation of open space

This clause continues the open space proclamation scheme that has applied under the various planning Acts since the *Town Planning Act 1929*.

38—Metropolitan Adelaide

This clause will provide that a reference in any other Act to 'Metropolitan Adelaide' will be taken to be a reference to Metropolitan Adelaide as defined by the *Development Act 1993* before its repeal by the new Act (unless the context otherwise requires).

39—References to applications and approvals

This clause deals with various cross-references under other Acts.

40—Conditions

This clause provides for the on-going operation of conditions imposed in relation to decisions under the *Development Act 1993*.

41—General saving provision

This clause is a general saving provision relating to decisions or authorisations that are given under the *Development Act 1993*.

42—General provisions apply

This clause makes it clear that the *Acts Interpretation Act 1915* will apply to the repeal of any provision of the *Development Act 1993* (except to the extent of any inconsistency with this schedule).

43—Regulations

This clause will allow the Governor to make additional provisions of a saving or transitional nature consequent on the enactment of the new Act after this schedule has been passed by Parliament.

The remaining Parts of this measure make amendments to a series of Acts that are consequential on the enactment and commencement of the new Planning, Development and Infrastructure Act 2016.

Part 3—Amendment of *Adelaide Oval Redevelopment and Management Act 2011*

Part 4—Amendment of *Adelaide Park Lands Act 2005*

Part 5—Amendment of *Aquaculture Act 2001*

Part 6—Amendment of *City of Adelaide Act 1998*

Part 7—Amendment of *Commissioner for Kangaroo Island Act 2014*

Part 8—Amendment of *Community Titles Act 1996*

Part 9—Amendment of *Criminal Law Consolidation Act 1935*

Part 10—Amendment of *Environment Protection Act 1993*

Part 11—Amendment of *Fire and Emergency Services Act 2005*

Part 12—Amendment of *Fisheries Management Act 2007*

Part 13—Amendment of *Freedom of Information Act 1991*

Part 14—Amendment of *Highways Act 1926*

Part 15—Amendment of *Liquor Licensing Act 1997*

Part 16—Amendment of *Local Government Act 1999*

Part 17—Amendment of *Local Nuisance and Litter Control Act 2016*

Part 18—Amendment of *Marine Parks Act 2007*

Part 19—Amendment of *National Parks and Wildlife Act 1972*

Part 20—Amendment of *Native Vegetation Act 1991*

Part 21—Amendment of *Natural Resources Management Act 2004*

Part 22—Amendment of *Ombudsman Act 1972*

Part 23—Amendment of *Real Property Act 1886*

Part 24—Amendment of *River Murray Act 2003*

Part 25—Amendment of *Roads (Opening and Closing) Act 1991*

Part 26—Amendment of *Strata Titles Act 1998*

Part 27—Amendment of *Valuation of Land Act 1971*

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

STATUTES AMENDMENT (COURTS AND JUSTICE MEASURES) BILL

Second Reading

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) (16:40): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill makes various amendments to create efficiencies within the justice system, and also to fix some minor errors, omissions and technical deficiencies identified in legislation.

The Bill amends s 6(3) of the *Bail Act 1985* regarding the witnessing of court documents. There are efficiencies for a court to widen the class of eligible persons who can witness some formal court documents. At present, bail documents, including those signed by guarantors and bonds, are witnessed by Justices of the Peace. Section 6(3) of the *Bail Act 1985* sets out who a bail agreement must be made before: a justice; certain police officers, a person who is in charge of a prison or any other person or class of person specified by the bail authority. Technically, the Magistrate as a bail authority may specify that any Registrar or Deputy Registrar may witness the bail agreement. However, it would be simpler and more efficient if a Registrar or Deputy Registrar was specified in s 6(3) as a suitable person. The Chief Magistrate supports this change.

The Bill seeks to promote court flexibility. It amends the *Criminal Law Consolidation Act 1935* ('CLCA') and the *Evidence Act 1929* to clarify and extend, where an accused person is in custody, the permissible use of audio visual link or audio link. This change is supported by the Chief Justice and the Chief Magistrate. The Bill provides the court with a suitable discretion to determine the use of audio visual link and/or audio link in lieu of a defendant's personal appearance where a defendant is in custody. The Bill extends the court's discretion to allow any appearance

by way of an audio visual link or audio link. It includes the qualification that if it is the defendant's first appearance in custody in connection with the relevant charges, the court must take into account in deciding if the defendant should personally appear, whether or not the defendant is legally represented or has had the opportunity to obtain legal advice.

The Bill ensures consistency with the *Bail Act 1985* or any other specific Act or court Rules that the general power in the revised s 59IQ of the *Evidence Act 1929* for the use of the audio visual or audio link is subject to the specific provisions of any other Act or Rules.

The Bill amends s 361 of the CLCA for appearance on appeals to give the courts rule making powers to provide that a party who is in custody may be taken to appear at an appeal or linked hearing (such as seeking leave to appeal) by personal appearance, audio visual link or audio link. The amendment also gives the Full Court a power to dispense with any appearance by a party in custody if the court thinks there is good reason to do so.

The Bill makes minor amendments to the *Legislation Revision and Publication Act 2002* to recognise electronic publishing. The intention is to 'future proof' procedure to ensure that the Government can move to fully electronic publishing if it wants to in the future. Other jurisdictions have already moved away from traditional hard copy publishing. This item was requested by Parliamentary Counsel.

The Bill remedies an omission in the current s 13B of the *Evidence Act* that prevents the cross-examination of certain vulnerable victims by legally unrepresented accused. The Bill extends the scope of s 13B to prevent the cross examination by an unrepresented accused of the vulnerable victim under s 13B in any other proceedings regarding that victim. The restriction is of general application. It is not confined to a linked proceeding. Such personal cross examination may well be abusive and inappropriate.

The Bill addresses a further omission in s 13B of the *Evidence Act.* The current restrictions preventing an unrepresented accused from personally cross-examining a victim in s 13B extend to 'a serious offence against the person'; an aggravated assault under s 20 of the CLCA where the aggravating circumstances of the offence are the circumstances referred to in s 5AA(1)(g) of that Act; an offence of contravening or failing to comply with an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* or an offence of contravening or failing to comply with a restraining order under the *Summary Procedure Act 1921.* Yet recklessly or intentionally causing harm under s 24 of the CLCA is omitted. There is no logical reason for this omission. The Bill extends the restriction upon personal cross-examination to recklessly or intentionally causing harm under s 24.

A Solicitor-General is currently appointed for life until the retirement age of 65. This does not accord with the position in most other Australian jurisdictions. The Bill amends the *Solicitor-General Act 1972* (with a consequential amendment to the *Judges' Pensions Act 1971*) to remove the existing age of retirement of 65 for the Solicitor-General and to increase it to 70, consistent with that of judges. The Bill includes provision for the appointment of the Solicitor-General for a fixed period of ten years with a power of reappointment (consistent with the models in NSW and Tasmania). The period of ten years fits closest to the existing scheme for judicial pensions under the *Judges' Pensions Act 1971*. A Solicitor-General cannot be appointed beyond the age of 70.

The Bill makes various amendments arising from recent changes to Youth Court and youth justice procedures.

The Bill proposes to delete s 10(9) of the *Youth Court 1993*, which is to be inserted by the *Statutes Amendment (Youth Court) Act 2016* (not yet commenced). Section 10(9) of the *Youth Court Act 1993* would provide that: 'The Judge of the Court is responsible to the Chief Judge of the District Court for the proper and efficient discharge of his or her duties under this Act and the *District Court Act 1991*.' This provision is no longer necessary.

The Bill amends the *Cross-border Justice Act 2009*, the *Summary Procedure Act 1921* and the *Young Offenders Act 1993.* All three changes relate to the *Youth Justice Administration Act 2016*, which has not yet commenced. Section 7(1) of the *Cross-border Justice Act 2009* contains a definition of detention centre which refers to a 'training centre established by the Minister under section 36 of the *Family and Community Services Act 1972*'. This definition needs to be updated to refer to s 21 of the *Youth Justice Administration Act 2016.* Section 184 of the *Summary Procedure Act 1921* provides scope for a person to be transferred from a prison to a training centre where certain criteria are met and an application is made by 'the person or the chief executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*'. This needs to be updated to refer to the chief executive responsible for the *Youth Justice Administration Act 2016.* Section 40 of the *Young Offenders Act 1993* relates to leave of absence from a training centre, and needs to be repealed when the *Youth Justice Administration Act 2016* commences. Leave of absence will be dealt with, instead, by section 34 of the *Youth Justice Administration Act 201*6.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 6—Nature of bail agreement

This amendment extends the persons who may witness a bail agreement to include a registrar or deputy registrar of a court.

5—Amendment of section 7—Guarantee of bail

This amendment extends the persons who may witness a guarantee of bail to include a registrar or deputy registrar of a court.

Part 3—Amendment of *Criminal Law Consolidation Act 1935*

6—Substitution of section 361

This clause substitutes a new section 361 which relates to the presence of an appellant or respondent on the hearing of an appeal.

361—Presence of appellant or respondent on hearing of appeal

The proposed new section provides that the Supreme Court may make rules in relation to the presence in court of an appellant or respondent who is in custody at the time of the hearing of an appeal, or the hearing of an application for permission to appeal or any preliminary or incidental proceedings to an appeal. The rules may provide that such an appellant or respondent may not be present, or that the presence of the appellant or respondent be in person, or by an audio visual link or audio link. The provision further provides that the Full Court may, despite any rules to the contrary, proceed with the hearing of an appeal, an application for an appeal or any preliminary or incidental proceedings to an appeal, in the absence of an appellant or respondent if it considers that there is good reason to do so.

Part 4—Amendment of *Cross-border Justice Act 2009*

7—Amendment of section 7—Interpretation

This amendment is consequential on the passing of the new *Youth Justice Administration Act 2016*. It amends the definition of a detention centre to include a reference to a training centre established by the Minister under section 21 of that Act.

Part 5—Amendment of *Evidence Act 1929*

8—Amendment of section 13B—Cross-examination of certain witnesses

This clause amends section 13B to clarify that the prohibition on a victim being cross-examined by a defendant in a criminal trial unless the cross-examination is by counsel, extends to any criminal trial, whether or not it is related to the offence.

9—Amendment of section 59IQ—Appearance etc by audio visual link or audio link

This clause amendments section 59IQ to provide that if a defendant is in custody prior to trial, the court may if it thinks it is appropriate in the circumstances, deal with the proceedings by an audio visual link or audio link without requiring the personal attendance of the defendant. In so doing, the court must, if the proceeding is the defendant's first appearance in connection with the matter, consider whether or not the defendant has legal representation or has had an opportunity to obtain legal advice.

Part 6—Amendment of *Legislation Revision and Publication Act 2002*

10—Amendment of section 5—Program for revision and publication of legislation

Currently, this provision requires legislation to be available to the public in both electronic and printed form. The effect of this amendment is to provide that legislation may be available in either print or electronic form.

11—Amendment of section 8—Publication of legislation

Currently, this provision provides that legislation revised under the Act may be published by publishing a printed copy and, whether or not the legislation is revised, by publishing an electronic copy. The effect of this amendment is to provide that legislation may be published by publishing a printed copy or an electronic copy, whether or not it is revised under the Act.

Part 7—Amendment of *Solicitor-General Act 1972*

12—Amendment of section 5—Terms and appointment of Solicitor-General

The amendments to this section provide for the appointment of the Solicitor-General to be for a period of 10 years or such shorter period as is necessary for the person's term of office to extend to the day on which the person

attains the age of 70 years (being the age of retirement). At the expiration of a term of office (subject to attaining age 70 years), the Solicitor-General may be eligible for reappointment.

13—Amendment of section 8—Resignation and retirement

The current section provides that the Solicitor-General will retire on attaining the age of 65 years. This clause amends section 8 of the Act to increase the age of retirement to 70 years.

14—Amendment of section 9—Leave on retirement

This amendment alters the reference to 65 years to refer to 70 years and is consequential on increasing the retirement age of the Solicitor-General.

15—Amendment of section 10-—Pension rights of Solicitor-General and application of Judges' Pensions Act 1971

This clause provides that for the purposes of the *Judges' Pensions Act 1971*, at the expiry of a term of office, unless the person has attained the age of 70 years or is reappointed, the person will be taken to have resigned from the office of Solicitor-General.

Part 8—Amendment of *Summary Procedure Act 1921*

16—Amendment of section 184—Application may be made to Court for transfer to training centre

This amendment is consequential on the operation of the new *Youth Justice Administration Act 2016* and amends section 184(1)(c) of the Act to update the reference to the chief executive of the administrative unit of the Public Service responsible for assisting a Minister in the administration of the *Youth Justice Administration Act 2016* (rather than the *Family and Community Services Act 1972*).

Part 9—Amendment of *Young Offenders Act 1993*

17—Repeal of section 40

This clause deletes section 40 of the Act and is consequential on the operation of the new *Youth Justice Administration Act 2016*, which contains a similar provision at section 34 of that Act.

Part 10—Amendment of *Youth Court Act 1993*

18—Amendment of section 10—Court's principal judicial officer

This clause deletes section 10(9) of the Act, as amended by the *Statutes Amendment (Youth Court) Act 2016*, which provided that the Judge of the Court is responsible to the Chief Judge of the District Court for the proper discharge of the Judge's duties under the *Youth Court Act 1993* and the *District Court Act 1991*.

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

STATUTES AMENDMENT (JUDICIAL REGISTRARS) BILL

Second Reading

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) (16:41): I move:

That this bill be now read a second time.

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

Leave granted.

Today I introduce a Bill to amend the *Magistrates Court Act 1991, Youth Court Act 1993, District Court Act 1991, Supreme Court Act 1935* and the *Oaths Act 1936* to create the new judicial office of Judicial Registrar in each of the Magistrates, Youth, District and Supreme Courts.

The appointment of Judicial Registrars will produce efficiencies in the courts to which they are appointed. The primary benefit is expected to be that uncontested, high volume and less complex proceedings, and matters likely to resolve, could be redirected to Judicial Registrars thus allowing the other judicial officers of the Magistrates, Youth, District and Supreme Courts to devote more of their time to complex matters and the criminal and civil caseload of the courts.

The appointment of Judicial Registrars would also permit at least some matters that are too complex to be dealt with by a special justice in the Magistrates Court to be dealt with by a Judicial Registrar rather than a Magistrate as is currently the case. In the Youth Court, also, special justices currently exercise the powers of a Judge or Magistrate of the Youth Court in certain cases when no Judge or Magistrate is available.

A number of interstate and federal jurisdictions have Judicial Registrars in their courts, especially Victoria where there are provisions for Judicial Registrars throughout the court system in that State. Although there are some differences in these other jurisdictions, there are many similarities in the qualifications and functions of Judicial Registrars in their courts which are also reflected in this Bill.

The Bill proposes that Judicial Registrars will be judicial officers of the courts to which they will be appointed by His Excellency the Governor, ranking between special justices (in those courts that have them) and the relevant court's magistrates, masters or judges, as the case may be.

Recognising that Judicial Registrars will occasionally exercise Commonwealth judicial power, the Bill provides a strong framework for independence of Judicial Registrars from the Executive branch of Government. This includes, in particular, requiring the concurrence of the head of the relevant court before a Judicial Registrar is appointed or reappointed by the Governor. The head of the court's concurrence is also required in respect of a Judicial Registrar's term of appointment, their remuneration and their conditions of service, and before they can be removed from office.

An appointee as a Judicial Registrar must be a legal practitioner of at least five years standing. A Judicial Registrar will be appointed by the Governor for a term of at least seven years. Judicial Registrars may be removed from office on the recommendation of the Attorney-General, and with the concurrence of the head of the relevant court, for mental or physical incapacity to carry out their duties satisfactorily, or neglect of duty, or dishonourable conduct.

Judicial Registrars will exercise the jurisdiction set out in the Rules of the relevant court, except the power to impose a sentence of imprisonment or detention and other specified exclusions to be prescribed in the relevant Regulations. A Judicial Registrar can also be assigned other duties by the head of the relevant court.

With the approval of the Attorney-General and the concurrence of the head of the relevant Court, Judicial Registrars will also be able to hold a compatible non-judicial office in the Court to which they are assigned. This will provide increased flexibility in making Judicial Registrar appointments.

Provisions for appeals from decisions of Judicial Registrars are aligned with existing provisions for appeals from decisions of the magistrates and masters, as the case may be, of the relevant court. However, the Rules of the relevant court may determine that the appeal from a decision of a Judicial Registrar is an appeal *de novo*.

Consequential amendments are made to the *Magistrates Court Act 1991, Youth Court Act 1993, District Court Act 1991* and the *Supreme Court Act 1935* to permit Judicial Registrars to perform judicial functions, to confer on Judicial Registrars the same privileges and immunities as other judicial officers of the relevant court, and also to make it clear that Judicial Registrars are judicial officers of the relevant court and not one of the non-judicial registrars of the court.

The *Oaths Act 1936* is amended to require Judicial Registrars to take the usual oath taken by judicial officers under that Act and to include Judicial Registrars in the list of persons who are Commissioners for taking affidavits in the Supreme Court.

Members are asked to note that the Bill has been drafted on the assumption that the provisions in Part 6 of the Bill amending the *Youth Court Act 1993* would commence on or after the commencement of the *Statutes Amendment (Youth Court) Act 2016*.

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 *District Court Act 1991*

4—Amendment of section 3—Interpretation

This clause amends and inserts various definitions necessary to provide for District Court Judicial Registrars.

5—Amendment of section 10—Court's judiciary

This clause amends section 10 of the principal Act to add judicial registrars to the list of judicial officers that constitute the Court's judiciary.

6—Insertion of heading to Part 3 Division 2 Subdivision 1

This clause inserts a heading to new Part 3 Division 2 Subdivision 1.

7—Insertion of heading to Part 3 Division 2 Subdivision 2

This clause inserts a heading to new Part 3 Division 2 Subdivision 2.

8—Amendment of section 12—Appointment of other Judges and Masters

This clause amends section 12 of the principal Act to make it clear that a different provision governs the appointment of Judicial Registrars.

9—Insertion of heading to Part 3 Division 2 Subdivision 3

This clause inserts a heading to new Part 3 Division 2 Subdivision 3.

10—Amendment of section 13—Judicial remuneration (other than for Judicial Registrar)

This clause amends section 13 of the principal Act to make it clear that a different provision governs the remuneration entitlement of Judicial Registrars.

11—Insertion of Part 3 Division 2 Subdivision 4

This clause inserts new Part 3 Division 2 Subdivision 4 into the principal Act.

Subdivision 4—Provisions relating to Judicial Registrars

16A—Appointment and conditions of Judicial Registrars

The inserted section provides for the appointment of District Court Judicial Registrars. It also sets out the conditions on which the appointments may be made.

16B—Judicial Registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a Judicial Registrar may be removed from office and the circumstances in which a Judicial Registrar ceases to hold office.

16C—Jurisdiction of Judicial Registrar

The inserted section sets out the scope of the jurisdiction of a Judicial Registrar and makes it clear that a Judicial Registrar may not impose a sentence of imprisonment.

12—Amendment of section 20—Constitution of Court

This clause amends section 20 of the Act to provide that a Judicial Registrar has the (non-exclusive) jurisdiction to deal with matters that lie within the jurisdiction of the Court assigned to Judicial Registrars.

13—Amendment of section 29—Issue of evidentiary summons

14—Amendment of section 32—Mediation and conciliation

Clauses 13 and 14 consequentially amend the principal Act to make provision for Judicial Registrars.

15—Amendment of section 43—Right of appeal

This clause amends section 43 of the principal Act to provide that appeals against a judgment given by a Judicial Registrar are to be heard by the Court constituted of a Judge.

16—Amendment of section 44—Reservation of questions of law

17—Amendment of section 46—Immunities

18—Amendment of section 51—Rules of Court

Clauses 16 to 18 consequentially amend the principal Act to make provision for Judicial Registrars.

Part 3—Amendment of *Magistrates Court Act 1991*

19—Amendment of section 3—Interpretation

This clause inserts a definition of Judicial Registrar and amends other definitions to provide for Magistrate Court judicial registrars.

20—Insertion of heading to Part 2 Division 2 Subdivision 1

This clause inserts a heading to Part 2 Division 2 Subdivision 1.

21—Amendment of section 7A—Constitution of Court

This clause amends section 7A of the principal Act to provide that Judicial Registrars may exercise such jurisdiction of the Court as assigned by the Chief Magistrate or the rules.

22—Insertion of Part 2 Division 2 Subdivision 2

This clause inserts Part 2 Division 2 Subdivision 2 into the principal Act.

Subdivision 2—Provisions relating to Judicial Registrars

7AA—Appointment and conditions of Judicial Registrars

This clause provides for the appointment of Magistrates Court Judicial Registrars. It also sets out the conditions on which the appointments may be made.

7AB—Judicial Registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a Judicial Registrar may be removed from office and the circumstances in which a Judicial Registrar ceases to hold office.

23—Insertion of heading to Part 2 Division 2 Subdivision 3

This clause inserts a heading to Part 2 Division 2 Subdivision 3

24—Amendment of section 15—Exercise of procedural and administrative powers of Court

25—Amendment of section 24—Issue of evidentiary summonses

26—Amendment of section 27—Mediation and conciliation

27—Amendment of section 44—Immunities

28—Amendment of section 45—Contempt in face of Court

Clauses 24 to 28 consequentially amend the principal Act to make provision for Judicial Registrars.

29—Amendment of section 49—Rules of Court

This clause amends section 49 of the principal Act to provide that Court rules can be made to regulate the practice and procedure of the Court in its appellate jurisdiction.

Part 4—Amendment of *Oaths Act 1936*

30—Amendment of section 7—Oaths to be taken by judicial officers

31—Amendment of section 28—Commissioners for taking affidavits

Clauses 30 and 31 consequentially amend the principal Act to make provision for Judicial Registrars.

Part 5—Amendment of *Supreme Court Act 1935*

32—Amendment of section 5—Interpretation

This clause inserts a definition of judicial registrar for the purposes of establishing Supreme Court judicial registrars.

33—Amendment of section 7—Judicial officers of the court

This clause amends section 7 of the principal Act to provide for judicial registrars as judicial officers of the court.

34—Insertion of sections 13I and 13J

This clause inserts sections 13I and 13J into the principal Act.

13I—Appointment and conditions of judicial registrars

The inserted section provides for the appointment of Supreme Court judicial registrars. It also sets out the conditions on which the appointments may be made.

13J—Judicial registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a judicial registrar may be removed from office and the circumstances in which a judicial registrar ceases to hold office.

35—Substitution of section 14

This clause substitutes section 14 of the principal Act.

14—Certain common interests do not disqualify

The proposed section substantially re-enacts current section 14. It also provides for judicial registrars and updates the language used in the provision.

36—Amendment of section 48—Jurisdiction of Full Court, single judge, master, etc

This clause consequentially amends section 48 of the principal Act to make provision for judicial registrars.

37—Insertion of section 48A

This clause inserts new section 48A into the principal Act.

48A—Jurisdiction of judicial registrar

The inserted section sets out the scope of the jurisdiction of a judicial registrar and makes it clear that a judicial registrar may not impose a sentence of imprisonment.

38—Amendment of section 49—Questions of law reserved for Full Court

This clause consequentially amends section 49 of the principal Act to make provision for judicial registrars.

39—Amendment of section 50—Appeals

This clause consequentially amends section 50 of the principal Act to make provision for judicial registrars. It also ensures that the specific limitations on appeals against certain judgments do not apply to an appeal against a judgment of a judicial registrar.

40—Amendment of section 65—Mediation and conciliation

This clause consequentially amends section 65 of the principal Act to make provision for judicial registrars.

41—Amendment of section 72—Rules of court

This clause consequentially amends section 72 of the principal Act to make provision for judicial registrars and substitutes section 72(1)(b) to provide that rules of court may be made to regulate the practice and procedure of the court (including in its appellate jurisdiction).

42—Insertion of section 110C

This clause inserts section 110C into the principal Act.

110C—Immunities

The proposed section provides that a master, judicial registrar, mediator or assessor has the same privileges and immunities from civil liability as a judge. It also provides that a non-judicial officer of the court incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.

Part 6—Amendment of *Youth Court Act 1993*

43—Amendment of section 3—Interpretation

This clause amends and inserts various definitions necessary to provide for Youth Court judicial registrars as judicial officers under the principal Act.

44—Amendment of section 9—Court's judiciary

This clause amends section 9 of the principal Act to add judicial registrars to the list of judicial officers that constitute the Court's judiciary.

45—Insertion of sections 10A to 10C

This clause inserts new sections 10A to 10C (inclusive).

10A—Appointment and conditions of judicial registrars

The inserted section provides for the appointment of Youth Court judicial registrars. It also sets out the conditions on which the appointments may be made.

10B—Judicial registrar ceasing to hold office and suspension

The inserted section sets out the basis on which a judicial registrar may be removed from office and the circumstances in which a judicial registrar ceases to hold office.

10C—Jurisdiction of judicial registrar

The inserted section provides that a judicial registrar may exercise such jurisdiction of the Court as assigned by the Judge of the Court or the rules.

46—Amendment of section 14—Constitution of Court

This clause consequentially amends section 14 of the principal Act to provide for judicial registrars. It also ensures that when the Court is constituted of a judicial registrar in criminal proceedings a sentence of detention cannot be imposed.

47—Amendment of section 22—Appeals

This clause consequentially amends section 22 of the principal Act to provide for judicial registrars.

48—Substitution of section 26

This clause substitutes section 28 of the principal Act.

26—Immunities

The new section extends the existing protections of immunity from civil liability to judicial registrars. It also provides that a non-judicial officer of the Court incurs no civil or criminal liability for an honest act or omission in carrying out or purportedly carrying out official functions.

49—Amendment of section 27—Contempt of Court

This clause consequentially amends section 27 to include judicial registrars.

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

At 16:42 the council adjourned until Tuesday 15 November 2016 at 14:15.