

LEGISLATIVE COUNCIL**Tuesday, 16 May 2017**

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:17 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 community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome all our guests, the students from Woodcroft College. You have a special day today because you are going to see a chamber full of well-behaved members of parliament in question time. Welcome.

Bills

INDUSTRIAL HEMP BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Corporation By-laws—

City of West Torrens—

No. 1—Permits and Penalties

No. 2—Local Government Land

No. 3—Roads

No. 4—Moveable Signs

No. 5—Dogs

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

South Australian Commercial Gulf St Vincent Prawn Fishery Management Plan—
April 2017

Parliamentary Committees

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (14:21): I bring up the second interim report of the committee.

Report received and ordered to be published.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. J.E. HANSON (14:21): I bring up the report of the committee on its inquiry into the work health and safety and workers compensation issues associated with people working longer.

Report received.

*Ministerial Statement***CHINA TRADE AND AFL MISSION**

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) (14:22): I table a copy of a ministerial statement made earlier today by the Premier in another place on the subject of China trade and AFL mission success.

OAKDEN MENTAL HEALTH FACILITY

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:22): I table a copy of a ministerial statement made earlier today in another place by the Minister for Health and Substance Abuse on the subject of Oakden.

*Question Time***AUTOMOTIVE WORKERS COMMUNICATIONS CAMPAIGN**

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question about the automotive workers communications campaign.

Leave granted.

The Hon. D.W. RIDGWAY: In August last year, I asked the minister about the costs of running the Drive Your Future campaign; that is, not quite 12 months ago. Last sitting week, I received a response. I will read the response:

In 2016-17, \$500,000 has been budgeted to implement the Drive Your Future campaign. The campaign uses press, radio, bus shelter, billboard and social media advertising, as well as targeted public and company locations.

The campaign is aimed at current GM Holden employees, GM Holden employees who have left within the past 12 months and current and former supply chain workers. It directs workers to a new DriveYourFuture.sa.gov.au website which has been designed to simplify the registration process for automotive supply chain workers and ensures they are directly connected with job opportunities.

As at 31 March 2017, there have been 4,147 visitors to the website since the campaign was launched.

My question to the minister is: how many Holden workers have actually registered through the Drive Your Future website?

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. I am very happy to give him some information that will clear up his very, very obvious misunderstanding of this program.

Holden themselves have a transition centre and run programs for their workers. The Automotive Workers in Transition Program that this campaign was directed at are for supply chain workers. Holden workers were not targeted by this campaign. Holden workers had their own transition centre that is being funded by Holden. The Automotive Workers in Transition Program targets automotive supply chain workers. I'm very happy to clear that up for the honourable member so he has a better understanding of how the various programs work.

Holden's program for their own workforce, and whose transition centre I have visited a couple of times, has a high take-up rate. Many Holden workers have accessed the programs that Holden are running for their own workers. I don't have the exact figures but a couple of months ago it was something like 70 per cent of the 500 or so Holden workers who have left Holden in the last couple of years have gone on to find other employment. I've talked to many Holden workers and their union representatives about how that program is running and some of the successes of Holden's own program. For the Automotive Workers in Transition Program, the state government is providing very similar services for supply chain workers—for those 74 tier 1 and tier 2 supply chain companies.

SUPPLY CHAIN WORKERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): Supplementary: in the minister's own answer he provided to me last week, he says, 'The campaign is aimed at current GM Holden employees, GM Holden employees who have left within the past 12 months'. Can the minister tell us whether he actually misled parliament last week when tabling this answer, or doesn't he know about his own program? It is your answer, minister.

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) (14:28): I will have a look at how the answer was worded, but the fact is we are taking responsibility for the supply chain workers, and Holden are doing the same for their workers. I'm very happy if there's some spillover from the information we're giving that helps Holden workers.

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

The PRESIDENT: The Hon. Mr Dawkins, if you can allow your leader to make a supplementary question.

SUPPLY CHAIN WORKERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:29): I had a supplementary question of how many Holden workers, but I am asking how many supply chain workers have been placed in new jobs as a result of accessing this website? Given there were 4,147 visitors and half a million dollars was spent, how many supply chain workers have a new job as a result of visiting this website?

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) (14:29): I thank the honourable member for his question about supply chain workers. I have some statistics that are from the end of April this year. I am informed that 3,342 individuals, as at 28 April, have attended information sessions, that nearly 1,400 individuals have registered for the program and that nearly 1,000 workers and 19 partners of workers have accessed career advice and transition services. I am sure that the work the government is doing will help people in those supply chain companies get jobs in the future.

SUPPLY CHAIN WORKERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Supplementary: can the minister take on notice how many supply chain workers have actually been placed in a new job as a result of accessing this website?

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) (14:30): I will check, but I would be surprised if there is the level of detail as to how many people have both accessed a website and found a job, but if there is such information I am happy to bring it back.

SUPPLY CHAIN WORKERS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Supplementary: the \$500,000, can the minister tell us which program, where that was funded from, where that was sourced?

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) (14:30): That would have been funded from the Department of State Development to make sure that people are aware of the services that are being provided for them and to encourage people to access those services who work in the supply chain.

UNLOCKING CAPITAL FOR JOBS

The Hon. J.M.A. LENSINK (14:31): I seek leave to make a brief explanation before directing a question to the Minister for Employment regarding the Unlocking Capital for Jobs Program.

Leave granted.

The Hon. J.M.A. LENSINK: Last month, I asked the Minister for Employment a series of questions relating to this particular program, which he undertook to refer to the Treasurer. My questions to the minister are:

1. Has the minister now clarified how many companies, other than the one involved in the pilot study, have applied for assistance through the Unlocking Capital for Jobs Program?
2. Has the minister clarified how much funding, excluding that spent on the pilot study, has been leveraged under the program?
3. If the minister will not provide this information, will he finally admit that this program has failed and explain why, even after the initial nine-month review, the program was continued, despite receiving no applications for the past two years?

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) (14:31): As I answered this question before, it is a program that sits with the Treasurer. I am happy to take those additional questions on notice and put them to the Treasurer and bring back a reply.

CORRECTIONAL SERVICES INDUSTRIAL DISPUTE

The Hon. S.G. WADE (14:32): I seek leave to make an explanation before asking the Minister for Correctional Services a question in relation to meeting with employee organisations.

Leave granted.

The Hon. S.G. WADE: Last week, in answer to a question about meetings with the Public Service Association with respect to the dispute at prisons, the minister's reply was:

At a basic level, in answer to the honourable member's question, I have been advised of recent disputes that have occurred that have essentially been around operational issues and have not required ministerial intervention. As such, there have not been any recent meetings between myself and the Public Service Association regarding those disputes.

My questions to the minister are:

1. Has the minister ever met with the Public Service Association?
2. If so, when was the last time the minister met with the Public Service Association in regard to disputes he is having with the Department for Correctional Services?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:33): I thank the honourable member for his questions. Of course I have met with the Public Service Association. I have had great pleasure in sitting down with a number of their officials in the past, not least of which the General Secretary of the Public Service Association, Mr Nev. Kitchen. We enjoy a high-quality, productive relationship. They are a significant stakeholder when it comes to corrections generally in South Australia and are an important source of information for the government on matters that, indeed, go beyond just the usual industrial matters. I also have had the pleasure of addressing their state custodial workplace representatives and was also a guest speaker at the 40th Annual Conference of Prison Officers Association of Australasia last year. As to the most recent meeting with the Public Service Association, I would have to consult my diary and pass that information on to the honourable member.

MOBILE BLACK SPOT PROGRAM

The Hon. J.E. HANSON (14:34): My question is to the Minister for Science and Information Economy. Can the minister update the chamber on how the South Australian government is helping to fix high priority mobile blackspot locations across 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) (14:34): I thank the honourable member for his question and his interest in matters affecting people in regional South Australia. I know since becoming a member he has spent a lot of time in regional South Australia.

The Liberal federal government announced sites to be funded under round 2 of the Mobile Black Spot Program and confirmed an absolute failure to many regional communities in South Australia. Prior to the last federal election, a number of Liberal members made commitments to their electorates that they simply failed to keep and, as the federal Liberal government backed out of their election commitments, so-called guaranteed funding mobile base stations to extend mobile voice and wireless broadband service throughout Australia haven't been fulfilled.

In particular, during the federal election campaign, the Liberal Party in South Australia promised to fund nine base stations in Liberal electorates but none of those have been funded in the last round of announcements. Communities in Bute, Robertstown, Ashbourne, Gosse, Kybybolite and Kalangadoo have all missed out on these mobile blackspots. There were very explicit promises made. The former member for Mayo, Jamie Briggs, said:

A new mobile base station in Gosse and Stokes Bay on Kangaroo Island will be a much needed boost to mobile coverage, providing benefits—

The Hon. J.S.L. DAWKINS: Point of order: just responding back to your advice to the opposition last week, I thought the question was actually about what the state government was doing and the minister has done nothing but refer to the federal government, which is not within his responsibility.

The PRESIDENT: Minister, please get through your answer and get to the state government.

The Hon. K.J. MAHER: Absolutely, and thank you for your guidance, Mr President. I think it is exceptionally important context for the chamber to understand where we are now—exceptionally important. Other federal Liberal members that talked about this include the member for Grey, Rowan Ramsey, who was:

...particularly pleased as part of the Hume commitments. The Prime Minister has authorised me to guarantee that three of my nominated sites, Maree, Robertstown and Bute, will be guaranteed to proceed.

Finally—because I know the Hon. John Dawkins' sensibilities will be insulted if I don't wrap up this background very quickly—the member for Barker, Tony Pasin, said before the election:

This week, I have had the pleasure of announcing the fantastic news that a re-elected coalition government will improve mobile phone coverage Kalangadoo, Kybybolite and Wynarka. These new mobile base stations will bring a much-needed boost to mobile coverage, providing benefits to emergency service operators, businesses and residents.

Since these commitments, a federal election has come and gone. There has been no word about funding these so-called guaranteed sites. Round 2 of the federal government's program has come and gone. Not a single one of these so-called guaranteed sites was funded in round 2, after these commitments were made. What is even more concerning is the suggestion that in round 3, although it is claimed to be a competitive process, it may be allocated simply for purely political purposes.

We have had the Productivity Commission, the Australian National Audit Office, making a scathing assessment of how this program has worked in the past and there seems to be all sorts of confusion about how it is going to be funded in the future.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: The federal government has said on their website that a competitive process to allocate round 3 funding is expected to commence in 2017. However, Tony Pasin told ABC radio in December last year that these sites that he has talked about will be funded and will not require a state contribution. That is what the member for Barker told ABC radio in early December

last year: for the next round they will not be requiring a state government contribution. There is even more risk, it appears, after the federal budget that none of these will actually be funded at all.

We saw in the federal budget, hidden away, I think, in table 15 on Outlook Budget Paper 1, section 639, funds for federal government blackspot programs from 2016 moved over to 2017-18. It can only be assumed that everything is going to be delayed a further year, if it actually ever happens. As I said, none of these so-called guaranteed stations were funded in round 2, and what is even more bizarre is that the state government pledged \$2 million of a co-contribution for mobile blackspots in round 2 and, Mr President, do you know what the federal government did? They returned a third of that money. They didn't want our money.

We offered \$2 million, and they returned to us a whole third of that. Yet I have heard some whingeing federal Liberal Party members say that we are not contributing enough. It is a completely illogical thing to say, given that they would not even take the money we offered. They returned a third of it to us. So, there is no way you can maintain an argument that we did not contribute enough—

Members interjecting:

The Hon. K.J. MAHER: —if they did not take the whole amount of our money. So, what we have decided to do is use that money that the federal government has returned and fund them ourselves, fund some of the highest priority areas ourselves that the federal Liberal government refused to do. We spoke to the mobile network operators, put forward our priority list, based on advice from emergency services, from local government, and from RDAs about what were needed for safety and for economic development, and I am very, very pleased that I can announce that Optus, with state government contribution, will be funding some of the very highest priority mobile blackspots in South Australia. I was very pleased yesterday to be in Wasleys, with the local member, the fantastic local member—

The Hon. J.S.L. Dawkins: No he's not; not anymore he's not.

The Hon. K.J. MAHER: The fantastic current local member—until the boundaries change in the next election. They do not change until the next election; I think the Hon. John Dawkins has been here long enough to know that, but I am happy to educate him in the electoral process if he wishes. In the current electorate of Light, Wasleys was funded, and Tony Piccolo has been a huge advocate for that area and the need for funding, a massive advocate for that area. So, I am pleased that we are funding this area that we know has some significant safety concerns. It is very pleasing that that is now being funded, when the federal Liberal government ignored it, and the state government is now stepping in.

Areas like Sevenhill, in the Clare Valley region, are being funded through the state government. The federal Liberal government declined to fund that high priority area. Other areas around the state, like Blanchetown in the Riverland and Yahl, south of Mount Gambier, are being funded. It is interesting to note that of 765 mobile base stations that have been funded over two rounds, there is not a single one in the Limestone Coast of South Australia. It is bizarre. There is the state's second biggest city, and after going five minutes in almost any direction you lose mobile coverage. But the local member, Tony Pasin, and the federal Liberal government have refused to fund a single one in the Limestone Coast previously.

Members interjecting:

The Hon. K.J. MAHER: Not a single one, and I have had dozens of communications with people around Mount Gambier, who share my anger that the federal Liberal government has refused to fund a single mobile base station in the Limestone Coast region. So, I am pleased that, with state funding, we will be funding a mobile base station at Yahl. All of these new mobile base stations will have about a 10-kilometre radius. There will be some thousands of people who have had patchy or no coverage who will now have mobile coverage, and the area around Yahl is exceptionally important. It includes areas such as The Barn, that just a week and a half ago hosted 6,000 people at the Generations in Jazz concert—4,627 students from 125 schools around this state attended the concert.

The Hon. J.S.L. DAWKINS: Point of order, Mr President: the Leader of the Government will be disappointed if I do not do this—but, given that the Leader of the Government has been on his feet with this answer for over eight minutes, I ask you to bring him to a conclusion.

The PRESIDENT: Minister, please get to the conclusion of your answer.

The Hon. K.J. MAHER: Again, thank you for your guidance on this, Mr President. I will be wrapping this up now. I can understand the Hon. John Dawkins wanting to shut me down. He is showing obvious signs of discomfort and embarrassment over his federal colleagues not funding Wasleys, in particular. He is squirming in his seat over this.

As I was saying, around Yahl we are working with Optus to make sure that The Barn is covered, where we saw thousands of people attend last weekend. It has been an embarrassment that that area has not been covered, and people have been complaining. So, we are now, through the state, funding coverage of the first one of these mobile blackspots in the Limestone Coast, after the abject failure of the federal Liberal Party to fund it.

We do not know why they have not funded a single one out of the 765 in the Limestone Coast. It could be that it is a safe seat and they just do not care about people in that seat. It could be the lack of influence that Barker has in the federal parliament. Members from that seat have a proud tradition of being frontbenchers, but the current member seems like a lifetime backbencher. So, it's either that they ignore us or the member doesn't carry the influence, but we will step in where the federal Liberal government has failed and fund some of these important mobile phone towers.

PRISON FACILITIES

The Hon. K.L. VINCENT (14:44): My questions are for the Minister for Correctional Services:

1. Does the minister acknowledge that between 80 and 90 per cent of South Australia's female prison population are mothers?
2. Is the minister aware of the evidence demonstrating the benefit to both women and children of allowing babies to reside with their incarcerated mothers, particularly around parent-child attachment in the first year of the baby's life and to enable breastfeeding?
3. Can the minister confirm that South Australia is the only jurisdiction in Australia without a mothers and babies unit?
4. Given that South Australia's previous mothers and babies unit was closed in 2005, why, more than 12 years later, does the minister not have an answer on whether a unit will be re-established in South Australia?
5. Will the minister also agree to investigate options to allow those with significant parenting duties to serve their sentences in community-based settings, if appropriate, so that they can maintain contact with their children?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:45): I thank the honourable member for her questions. I think this is the second occasion in recent weeks where the honourable member has asked questions regarding the mothers and babies unit, or lack thereof, within the South Australian prison system.

It is true that South Australia is one of few jurisdictions that does not have a mothers and babies facility on site within a custodial facility within South Australia, but it is worthy to note that there is good reason for this, principally that there are very few women, I have been advised, who, even if we did have a full-blown mothers and babies facility within our department, would have access to such a facility. It is a small number—an absolute minority of women—who are incarcerated at the Adelaide Women's Prison who would otherwise have access to children if there was a mothers and babies facility at the AWP.

That being said, this is an issue that is worthy of consideration. I am aware of a body of evidence that exists that points to the benefits that exist for both children and parents, under certain circumstances, for the children to have access to mothers within a custodial environment. That said,

this is a fraught area of public policy. I don't think anyone within the community would like to see, or particularly likes the idea of, children being raised in a custodial environment. It is not seen as necessarily being the ideal situation for a child to be raised in.

As I said, there is a body of evidence to suggest the separation of child from parent can be to the detriment of both the child and the mother and, of course, that could have implications in terms of the rehabilitation process that a mother needs to go through prior to release. In that context, this is an issue we continue to pay attention to. If there were additional resources made available through the budget, this would not necessarily represent the number one priority, by virtue of the fact that there are other areas within the Correctional Services system that are worthy of attention, purely by weight of numbers.

Nevertheless, this is something that we are actively paying attention to. I have met with a number of advocacy groups which do advocate for a mothers and babies facility within the Adelaide Women's Prison. Their concerns are legitimate and they are being heard by the government. But, as it stands, there are no immediate plans on the part of this government to have a build, or to install a new set of infrastructure, within the Adelaide Women's Prison that would constitute a mothers and babies unit, as is similarly seen in other jurisdictions around the country.

Having said that, of course we continue to try to do whatever we reasonably can within the existing facilities to provide more ready access between mothers and children, where it is appropriate to do so, such as changes around visiting arrangements to allow for more regular visits. There are programs like Mum's Voice, which recently received media attention, which provides a mechanism for mothers to be able to read books to babies while they are in the prison system. The facilities that exist within the Pre-release Centre, which I am advised have now been made available to women, enable a more appropriate environment for children to allow more regular and flexible visitation arrangements.

These things speak to a department that is committed to facilitating the concerns of mothers who find themselves in gaol, but no, as it stands there is no plan on the part of government to build a mothers and babies unit per se.

PRISON FACILITIES

The Hon. K.L. VINCENT (14:49): Supplementary: given that, by the minister's own admission, we are talking about such a small number of people, is there capacity to allow them to serve their sentences in a community-based environment, where appropriate?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:50): Those decisions principally are made by courts around who should be serving their sentence in community or not. It is important to note that many women who find themselves in the Adelaide Women's Prison are there because they have committed serious crimes and the court has seen fit, for whatever reasons—protection of the community at large or justice being done—for those women to serve their sentence in a custodial environment. That is a decision that is, for all intents and purposes, made by a court.

Where it is appropriate, in the court's opinion or the opinion of the Parole Board, that a community-based order be put in place, then of course that can occur. But, where women are sentenced to being imprisoned in a custodial environment, then of course that needs to be abided by in the interests of community safety.

WORKERS COMPENSATION

The Hon. R.I. LUCAS (14:51): I seek leave to make a brief explanation prior to directing a question to the Minister for Police on the subject of workers compensation.

Leave granted.

The Hon. R.I. LUCAS: Recently, senior officers of the Department for Correctional Services gave evidence indicating that, as a result of a recent actuarial review of workers compensation management within Correctional Services in the period up to 2015-16, their management was such that the overall claims costs, and costs of managing that, could be reduced by \$2.5 million.

Appropriately, in response to that from the budget year 2015-16 onwards, Treasury reduced the workers compensation appropriation to Correctional Services by \$2.5 million in acknowledgment of the actuarial review. My question to the minister is: was a similar acknowledgment of good performance by SAPOL in relation to workers compensation management included in the 2016-17 budget and was there also a reduction in workers compensation costs, as acknowledged by Treasury and SAPOL, for the 2016-17 budget and for the forward estimate years as a result of an actuarial review? If yes, what was the extent of that reduction?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:52): I thank the honourable member for his questions. They are not numbers that I am able to recall off the top of my head or have available to me at hand, but I am more than happy to seek advice regarding those questions and bring the relevant information to the member's attention.

MONARTO TRANSPORT HUB

The Hon. R.L. BROKENSHIRE (14:52): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation a question about the master plan and the transport hub at Monarto.

Leave granted.

The Hon. R.L. BROKENSHIRE: Going back now in excess of 20 years, direct efforts have been made to create a transport hub, which is now back—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! Don't be put off by interjections by the opposition. Continue, Mr Brokenshire.

The Hon. R.L. BROKENSHIRE: Thank you, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.L. BROKENSHIRE: It is now being backed up by a master plan endorsed by several councils in the area, including Mount Barker and Murray Bridge. As recently as yesterday we saw the debacle when we try to bring freight through the suburbs and the Adelaide Hills, where we saw transport held up for over two hours as a result of one engine breakdown on a locomotive. My questions to the minister are:

1. Has the government got its head around this master plan, and is it in support of the intermodal master plan?
2. Does the government agree that it would be a good idea to try to logistically locate the freight hub at Monarto?
3. Has the government, if it does endorse the master plan and is in favour of growth there, been in touch with existing businesses, like Woolworths distribution centre, to assure them that there is an absolute commitment from the state government to grow the opportunities there?
4. When does the government intend to see a real intent in the growth of those opportunities with the transport hub at Monarto, if it supports it?

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 questions. No, I am not aware of the 20-year-old proposal or plan or policy that the honourable member refers to, but I am happy to find out information about today's thoughts on his 20-year-old plan that he refers to. I am more than happy to go away and talk to, I assume, the transport minister and bring back a reply for him about that.

He talks also about the plan to reroute rail, which is a bit of a tongue twister, and I note as soon as, I think, the Globe Link plan was announced, the Freight Council—the peak body—came

out and poured cold water on it. The opposition's brain fade of one policy—let's be frank about it—was designed to try to protect some of their seats from the Nick Xenophon Team in the Adelaide Hills.

Let's understand exactly what this was about. The Globe Link plan that was announced to try to save a couple of seats from Nick Xenophon would cost billions and billions of dollars. The peak body, the Freight Council, thought it was a stupid idea. It was their one plan, and the peak body poured cold water on it straightaway. But I am happy to go back and have a look at the 20-year-old idea around Monarto.

The Hon. R.L. BROKENSHIRE: Supplementary, sir?

Members interjecting:

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

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition, desist—

The Hon. R.L. BROKENSHIRE: Thank you, Mr President.

The PRESIDENT: —and will the honourable ministers desist and allow the Hon. Mr Brokenshire to ask his supplementary.

MONARTO TRANSPORT HUB

The Hon. R.L. BROKENSHIRE (14:56): A supplementary based on the minister's misrepresentation with his answer. What I said was 20 years ago or thereabouts were the first efforts to start to get a centre there, including the Woolworths distribution centre. There is now a master plan in existence signed off by the councils. Does the government endorse the master plan, and what work, if any, has the government been doing to grow the logistics opportunities for distribution in Monarto?

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) (14:57): I thank him for restating his question, and I will restate my answer that I am happy to go away and see what contemporary thoughts are on the 20-year-old idea.

The PRESIDENT: The Hon. Mr Ngo.

The Hon. J.M.A. Lensink: Come on, Tung. Show them how it's done.

CLIMATE CHANGE

The Hon. T.T. NGO (14:57): You will like this. My question is to the Minister for Climate Change. Can the minister tell the council how businesses and governments are preparing for climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:57): I thank the honourable member for his most excellent question. Businesses, there is no surprise, across Australia are responding to the threat of climate change and making sure that they have the answers put in place for their businesses, their shareholders and their customers, because no-one else, at a federal level at least, has actually taken the issue very seriously.

They understand that taking action is not just about the environment but also about the economics and the business environment as well. This has been brought home to me a number of times, but recently I attended two events in Melbourne. The first was the Carbon Market Institute's 4th Emissions Reduction Summit. It's Australasia's premier conference on emissions trading, and grasping the economic opportunities that the transition to a low carbon economy presents was highlighted at the conference. Over 500 delegates from the banking sector, the finance sector, industry generally, energy, manufacturing, carbon sequestration sectors and others attended this two-day event.

It was quite clear, at least from the businesses who presented, that they were ready, willing and able to make the investments and commit resources to address the impacts of climate change, and the overwhelming message that I heard was that they felt South Australia was on the right track. Many businesses approached me about our plans for our state. Mr President, you might very well ask: why were they interested? They were interested because we are leading and providing the policy certainty that business needs in this country, which is something that is sadly lacking out of Canberra.

They were excited by the South Australian government's energy plan and our commitment to the low carbon transition for the energy sector. They are excited by Carbon Neutral Adelaide, an ambition that is delivering innovation and investment. They see the enormous potential we have in carbon sequestration, a growth industry that can help our land sector, including farmers who can earn money while helping to conserve our state's beautiful and precious environment. I invite those opposite who are naysayers and heckling these ideas, that business is taking on this role for themselves because of the lack of leadership at a federal level, to return from the 1830s and the 1850s mindset that they are stuck in and embrace the tremendous economic opportunities that await the transition to a low carbon economy and what that presents for our state.

It is a transition that is delivering jobs and this was reinforced at the Australian Solar Council's conference, the other event that I attended in Melbourne. Attendees at the event were very interested in the government's energy plan—no surprise there—a plan that is delivering jobs, putting downward pressure on electricity prices and helping take back control of a broken electricity market. It is a plan that has already unlocked new investment in renewable energy production—

Members interjecting:

The Hon. I.K. HUNTER: The Liberals opposite are asking who broke it. Who privatised the electricity sector in this state? They did. Here they are leading with their chin again, asking, 'Who broke the market?' Well, you did, Mr Ridgway, you did. You think privatisation is the solution to market-based economic challenges that are facing us—

The PRESIDENT: The minister can sit down for a second. It is totally inappropriate for anyone to be pointing their finger while interjecting. Minister, will you continue your answer and will everyone else allow him to do so in silence.

The Hon. I.K. HUNTER: Thank you, Mr President, for your protection. As I said, it is a plan that has already unlocked new investment in renewable energy generation. The day I was addressing the Solar Council's event, the Clean Energy Council released a report showing that over \$1.7 billion worth of renewable energy projects are under construction or are about to start in our state this year. These projects will help provide 863 megawatts of energy generation, I am advised, right here in our state and deliver approximately 620 jobs. More importantly, a number have been finalised after this government introduced Our Energy Plan because it gives business confidence to invest.

For example, the Bungala Solar Project is being constructed 10 kilometres north-east of Port Augusta and will help deliver returns to the Bungala Aboriginal Corporation. This project will help also deliver jobs in the local Port Augusta community. I understand phase 1 is to be up and running by summer this year and the entire project will be completed by August next year.

There is also the Lyon Infrastructure Group's proposal for a solar and battery farm in the Riverland. The \$1 billion project will see the installation of 3.4 million solar panels and 1.1 million batteries, I am advised, as well as create 270 jobs. These are some examples of how South Australia is benefiting from the low carbon economy and our transition towards it. The Solar Council informed me that we can expect more of these projects. They have recently come back from a trip to China where, I am told, South Australia was the prime topic of conversation, and not just because of the football.

Our Energy Plan has been well received and companies are looking to invest in South Australia on the back of it. It is clear that the world is responding to climate change and so are South Australian businesses, even if the federal government isn't. Unfortunately, the federal government has abandoned action on climate change, something that was made very clear in the federal budget released recently.

Let me say at the outset that I commend the federal government for funding \$68 million, previously committed, obviously, but still it is worthwhile to see it there in black and white in the budget for the Proton Therapy Unit and also for their recommitment to work with states to ban cosmetic testing on animals. However, the budget was lacking when it came to tackling climate change issues. The words 'climate change' were not mentioned once in the federal Treasurer's speech—not once.

An honourable member: Is that right?

The Hon. I.K. HUNTER: I read it twice and I couldn't see it at all. The federal budget's documents also confirm that the government is still intent on shutting down the independent Climate Change Authority.

Members interjecting:

The Hon. I.K. HUNTER: This is important. The Hon. Mr Wade probably didn't read this.

Members interjecting:

The Hon. J.S.L. DAWKINS: Point of order, Mr President.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Dawkins.

The Hon. J.S.L. DAWKINS: If I remember rightly, your advice was that ministers should only be asked to comment upon matters that are under their jurisdiction, and the minister is actually—

Members interjecting:

The PRESIDENT: Order! Go on, Mr Dawkins.

The Hon. J.S.L. DAWKINS: The minister is actually referring constantly to the federal budget. The minister actually—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.S.L. DAWKINS: The minister, I don't think, has any jurisdiction over the federal budget.

The PRESIDENT: I just want to give a bit of clarification. When I ruled last week in regard to a question to the minister, the minister was being asked about his views on the federal Labor Party, which is a political organisation, which I said had nothing to do with his portfolio, but there may be times when a position of a federal government does impact one way or another on a state minister, so they have every right to be able to put that in their answer to help give a full answer to the question.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The honourable minister.

The Hon. I.K. HUNTER: Thank you, Mr President. Oh Solomon, come to judgement. I thank you for that very wise pronouncement. As I said, the federal government budget documents confirm that the government is still intent on shutting down the independent Climate Change Authority. The authority was established to provide expert advice on the challenges of tackling climate change, and its report has been very useful to state and territory governments around the country, regardless of their political make-up.

It seems that the federal Liberals just don't like the advice of experts. Even Direct Action, the Liberals' own policy, wasn't immune to this. At the very least, one would have thought that the government might recommit to their own policy, Direct Action, sadly lacking though it is in many areas, but Direct Action, of course, you will recall, is Tony Abbott's signature con trick that Malcolm Turnbull labelled as a 'fig leaf' when he was outside of cabinet.

Now Direct Action is Prime Minister Turnbull's only major policy to reduce greenhouse gas emissions and meet the climate change emission reduction targets set by the federal Liberal cabinet,

and Direct Action is set to run out of funding. Direct Action, under their budget, is set to run out of funding, and this budget shows that there is no longer even the fig leaf—not even the fig leaf that Malcolm Turnbull accused them of having. The Liberals aren't even funding their own Direct Action plan.

It is almost like the Prime Minister, who once wore those leather bomber jackets and championed an emissions trading scheme along with 100 per cent renewable energy, now believes, just like his predecessor, that climate change is nothing to talk about. It is clear that the Liberal Party is determined to do nothing, because they are the party of coal interests in this country. It is a very sad state of affairs. Mike Bloomberg, another leading player in world business, says:

Government can no more save the coal industry than it could have saved the telegraph industry or the horse-and-buggy industry a century ago. Pretending otherwise only hurts those in coal communities—trapping them in a dying industry instead of helping them acquire new skills and gain access to new career opportunities.

These are wise words that the government should be paying attention to, because in all these transitions it is the community, ultimately, that needs the help from government to transition through this change. That's why we need to have packages in place—structural adjustment packages, if you like—that help communities transition through this very difficult change.

The Liberals might not like to heed the words of experts such as scientists or economists, but you would think that they would at least sit up and listen to the advice of business and people like Mike Bloomberg. Thankfully, as I said, businesses in this country are shrugging off the federal government's lack of leadership. They are doing it for themselves. They are standing up for their shareholders and for their customers, and they are saying, 'South Australia is on the right track. We want to do business with you.'

ANIMAL WELFARE

The Hon. T.A. FRANKS (15:08): Supplementary: does the minister share the disappointment of consumers and constituents, and indeed the Greens, that the promised ban on animals being tested on for cosmetics in this country is not actually going to be delivered until 2019, as revealed in the budget papers, as opposed to being delivered on this year, as was promised at the federal election?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:09): The Greens are attempting to lead me down a path of condemning the federal government, one that I am happy to jump onto. I thank the honourable member for it. We do have some difficulties with a federal government which calls together environment ministers. They have actually downgraded environment ministers' meetings. They are no longer even ministerial councils answerable at COAG.

Instead, environment ministers have to get together and have a coffee catch-up to try to influence the federal environment minister's agenda. States come to the federal environment minister with great ideas about working together. For example, banning plastic microbeads in cosmetics. Both New South Wales and South Australia have raised this with the federal government and their response has been, 'Well, they are all great ideas, but we have no interest in providing national leadership. We will let you get on with it yourselves.' That's what the states have to do.

Unfortunately, in the absence of federal government leadership, these things take a lot more time to organise. But, with assiduous action by members of the public and by state and territory jurisdictions, we can occasionally prod the government to be a little bit embarrassed about their lack of inactivity. They make these pronouncements about things coming down the track. As the Hon. Tammy Franks has noted, they make the promise at a federal election and then squib on it and say, 'You will see it come in two years' time.' Well, let's see in 2019 whether in fact it does come through. If it does it will only be because of one reason and that's because there has been a federal election and Labor will be in federal government.

CAREER AND WORKFORCE DEVELOPMENT CENTRE

The Hon. A.L. McLACHLAN (15:10): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question.

Leave granted.

The Hon. A.L. McLACHLAN: In an answer recently tabled to my question without notice the minister stated that 23 information sessions have been held at the Career and Workforce Development Centre at Warradale as at 24 February 2017, and that demand is expected to increase. My questions to the minister are:

1. Has there been an increase in demand since February?
2. How many information sessions have been held since the month of February?

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 excellent question. Once again, it probes some very detailed questions about automotives and holding the government to account in what it's doing. I have had a look and I don't have information as to exactly what has happened in the last few weeks or the last couple of months at Warradale, but I am sure that there has been further activity and I ensure that I will get the answers for the honourable member as quickly as possible so that he can continue his relentless assault on the government as to what the government is doing and holding us to account, as he does so ably.

EMERGENCY SERVICES, KINGDOM OF TONGA

The Hon. J.E. HANSON (15:12): My question is to the Minister for Emergency Services. Can the minister update the chamber on the relationship between the emergency services of South Australia—

Members interjecting:

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

Members interjecting:

The PRESIDENT: Well, the order for asking questions that I have is the Hon. Mr Hanson, then the Hon. Ms Franks. Hon. Mr Hanson.

The Hon. J.E. HANSON: Can the minister update the chamber on the relationship between the emergency services of South Australia and the Kingdom of Tonga?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:13): I thank the honourable member for his important question and his commitment to emergency services generally. Last week, I had the pleasure of being at MFS headquarters on Wakefield Street to announce that the state government will be donating a further two fire trucks to the Kingdom of Tonga. Together with the MFS Assistant Chief Fire Officer, Mr Glenn Benham, we announced that two out-of-service water tankers—one from the CFS and one from the MFS—are being delivered, with shipping costs paid for by the Tongan government.

As members may recall, Mr Benham was recently recognised in this year's Australia Day Honours, receiving the Australian Fire Service Medal, in part for his significant contribution to this important program. For those who are not aware, the strong relationship began 14 years ago when the Metropolitan Fire Service first visited the Kingdom of Tonga in 2003 and were concerned by the lack of training and resources available to their fire service.

To put this into perspective, at the time, Tongan firefighters would respond to emergencies without helmets, gloves, boots or breathing apparatus, while only four deteriorating firefighting jackets were available between 50 personnel. As a result, a memorandum of understanding was developed between the Tonga Fire and Emergency Services and the Metropolitan Fire Service in 2004, which has since seen 22 trucks, along with many shipments of obsolete firefighting equipment donated, as well as valuable training delivered. This has led to a reduction in fire damage and economic loss for the Pacific nation.

As part of the relationship, members of the Tonga Fire and Emergency Services also visit Adelaide, which aids their education and training. The government of Tonga funds their annual visits with accommodation and cultural support generously provided by the local Tongan community. At a

minimal financial cost to our state, it is great to see firefighting appliances and equipment, which would otherwise be disposed through auction, go somewhere where it can have a lasting and meaningful value.

This program is a fantastic example of our government reaching out to others in need and demonstrates just how highly regarded and respected our emergency services sector is, internationally. In a letter from the Kingdom of Tonga's Minister for Police, Fire and Emergency Services late last year, he expressed their appreciation for this ongoing relationship, noting that it has led to the provision of a range of prevention and mitigation services, as well as rapid and effective response to emergency incidents that help protect life and property.

My hat goes off to the MFS for all their hard work and commitment to this program and I hope it continues for many years to come. It serves as a useful reminder of the fact that we are blessed in this state with a well-resourced emergency services sector. It is something that this government has been committed to throughout the entirety of our period in government and puts us in the fortunate position to be able to assist the Kingdom of Tonga. I think it serves as a worthy reminder to South Australians generally that we are a generous people but we do provide that generosity on the back of the fact that we are a well-resourced state when it comes to emergency services.

GM HOLDEN SITE

The Hon. T.A. FRANKS (15:16): I seek leave to make a brief explanation before addressing a question to the Minister for Automotive Transformation on the topic of the future of the Holden site.

Leave granted.

The Hon. T.A. FRANKS: As we are all well aware, Holden will cease car manufacturing on that site in Elizabeth Vale in the near future. As the minister is also well aware, the South Australian government has publicly committed to work with General Motors Holden on options for the future use of the current Holden site. In the 2016 estimates committee, the minister stated that:

To continue some use of that site is a priority for the South Australian government.

And further, that:

We will continue to work closely with GM and we are keen to talk to any proponent who has potential future use of the GM site. There is an MOU in place between the state government and Holden to facilitate that.

Additionally, in the estimates hearing, with regard to remediation of the contamination of that site, the parliament was informed that remediation was being worked through with the EPA by GM Holden. The minister went on to note that GM would be 100 per cent liable for any remediation work required. My questions to the minister are:

1. When was that MOU with GM Holden signed? By whom was it signed? For what duration does that MOU hold currency?
2. To date, how many proposals has the minister or his department received with regard to the future use of the site?
3. Does the MOU address the issues of remediation?
4. When will remediation work commence on the site, if it has not already begun?
5. When is it expected to be completed?
6. Has the need for remediation provided a barrier to any other entities expressing their full interest in the site?
7. Have any other parties been identified as being responsible for contamination of the site?

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) (15:18): I thank the honourable member for her explanation and extensive list of questions. A number of these questions I will need

to check on, but I will give answers as fully as I can, with that caveat that I will double-check on that and, if there is any further information or clarification, I'm happy to come back with that.

The MOU, to the best of my memory, was signed quite sometime ago, even preceding my appointment as the minister responsible for automotive transformation, I am pretty sure, between the government and Holden. It commits the government to making sure that we talk to Holden about genuine possibilities of the site being used. There have been a number of proposals, ranging from very loose expressions about what things the site might be used for up to more detailed proposals that have been worked through.

About a year ago, the Belgian automotive company, Punch Automotive, led by Guido Dumarey, visited Adelaide looking at possible use of the Holden site. We met with proponents a number of times, as did GM, about those possible uses. In the end, there wasn't a business model that was going to allow that particular proposal to happen, but if there was a proposal that had a possible use of the Holden site, we would be very keen to see that occur.

Holden own that land freehold; it is Holden's land. Holden had an expression of interest process that closed, I think, two weeks ago. It was a global expression of interest for future use of that site, for potential sale of that site. I think that's closed. I will see if there is an update about exactly what the results were. I suspect anything will be commercial-in-confidence, but I will see what I can provide publicly about the results of that expression of interest process for the future use of the site.

In terms of remediation, yes, it is the case that, as privately owned land, Holden is responsible for the remediation on that site. Some of the specific questions were that a barrier to the potential sale or future use of that site was the remediation. No company has brought that to my attention, but of course if there's a site that has a contamination that needs remediation, that will have to be considered in any future use of the site, whether that's a transfer of those obligations to a new owner or the retention of those obligations to GM, if the site is being used.

Another question was in relation to whether I was aware of any other company whose contamination—

The Hon. T.A. Franks: Entity.

The Hon. K.J. MAHER: Any entity who is responsible for contamination on the Holden site. I am not aware of that. I think it is that Holden would accept that the contamination on their site is their responsibility, but I will check on that aspect as well.

The Hon. T.A. Franks interjecting:

The Hon. K.J. MAHER: As I have said, I am happy to check if there are other entities, if there's any suggestion that the contamination on the Holden site is a responsibility of anyone else but Holden, but I am not aware of that.

ABORIGINAL LANGUAGE INTERPRETERS AND TRANSLATORS

The Hon. J.S. LEE (15:22): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Indigenous interpreters.

Leave granted.

The Hon. J.S. LEE: It was reported through ABC News that some Aboriginal people are being kept in custody for longer than required because of a lack of interpreters in South Australia. Cheryl Axelby from the Aboriginal Legal Rights Movement stated that a lack of interpreters was delaying imprisoned inmates from possibly leaving. Ms Axelby confirmed that APY people are being held in custody because the system itself is failing. She said, 'We are concerned that the system is at breaking point.'

Even Tony Rossi from the South Australian Law Society said a lack of Aboriginal interpreters needed to be addressed. Mr Rossi stated, 'You cannot have justice without the person understanding what is going on.' Aboriginal interpreter Rose Lester stated that, along with the shockingly high incarceration rate, more funding for interpreters was vital. Ms Lester stated that it is an industry in which Aboriginal people can get employment and build a career. My questions to the minister are:

1. What strategies have been put in place to inject more funding into expanding the services of Aboriginal interpreters?
2. With the Aboriginal Legal Rights Movement concerned that the system is failing, how does the minister intend to rebuild confidence and trust with one of the largest Indigenous movements in South Australia?
3. What future educational initiatives will the government introduce to ensure interested Aboriginal people are given an opportunity to build a career as an interpreter?

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) (15:24): I thank the honourable member for her explanation and her series of questions in relation to interpreters, particularly to do with the justice system, but it's not limited to the justice system where interpreters are important.

In the APY lands, for many of the couple of thousand people who live there, English is often not a first language and sometimes not even a second language with Pitjantjatjara and Yankunjara speakers over on the eastern side of the APY lands. There are many people across the APY lands who have very limited and in some cases no English at all, so it is a problem for anyone who has difficulty with English. It's particularly acute for Anangu, who come from or reside in the APY lands.

As I said, it's not just in the justice system, although that's often where it is most acute. It's also the access to other services—a whole range of government services, but health services as well, where you need to explain to health professionals in order to receive treatment or to have your treatment procedures explained—that there is the ability for those who don't have English as a first language or as a second language or at all.

In relation to the justice system, it does manifest itself in a number of ways, whether it is preliminarily at the time of police discussing, interviewing or carrying out investigations, during court proceedings and also at the other end as well. If there is follow-up, whether it is through Community Corrections or other areas, there is a need for people to clearly understand what their interactions with the justice system are.

In terms of strategies, there is a cross-border strategy with the NPY region (the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara regions) across the very eastern part of WA, the north-western part of SA and the Northern Territory, where we, as a state government, and the other two jurisdictions are working with the federal government on interpreters. It's not just simply a matter of having more money to pay interpreters. That is part of it, but it's making sure that there are avenues for interpreters to be trained. So, that is one area in particular that South Australia, NT and WA are working with the federal government: to have more interpreters trained and available, particularly for areas where Anangu come in contact with the justice system.

We will continue to work with the federal government to make sure there is a pool of interpreters available for these areas. The honourable member also asked about the Aboriginal Legal Rights Movement. I don't accept the premise, I think, of a whole lot of that question about there being a need for us in Aboriginal affairs to restore confidence and trust with the ALRM. I think that's a very fundamental misunderstanding of the relationship that we have with the ALRM. I have regular meetings with Cheryl Axelby and others from the ALRM, and I think we have a good and constructive working relationship.

There are certainly times and issues where we might not have exactly the same point of view, but to suggest that there has been some huge breakdown in confidence and trust—I would be interested to know where the honourable member gets that from, or if she has just made that up while asking her question. I would be very interested to hear how she comes to that conclusion, to put it into her question. I will continue to work with the ALRM constructively, as we have been doing.

I think the final part of the question looked at how this can provide jobs and careers for Anangu. As I have said, we work very constructively with the federal government to build up a pool of interpreters that not just benefits people who come into contact with health or other government services or the justice system, but can provide jobs for Anangu in remote areas.

*Bills***CHILDREN AND YOUNG PEOPLE (SAFETY) BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 11 May 2017.)

The Hon. S.G. WADE (15:29): I rise to speak on the Children and Young People (Safety) Bill. The bill is, if you like, the second in a series. Last year, the parliament considered what was generally called the oversight bill.

This bill was introduced in the House of Assembly under suspension of standing orders on 14 February, and was handled in that place in a rather extraordinary way. It is my privilege to chair the Select Committee on Statutory Child Protection and Care in South Australia, and after the bill was tabled, and within its role to inquire into and report on the implementation of the government's responses to the recommendations of the child protection systems royal commission, the committee resolved on 1 March to consider this bill and to seek the views of interested parties on the Children and Young People (Safety) Bill.

In that sense it was not, shall we say, a traditional select committee referral of the bill, and in that sense did not interfere with the parliamentary process. In that sense it was somewhat of an experiment. A number of us in this parliament are thinking about ways we can more efficiently deal with legislation and more effectively engage in the community.

Different parliaments around the world have different processes by which scrutiny of bills can be effected, particularly through parliamentary committees, and there is significant interest in this parliament on those opportunities. In that context, before the select committee made the resolution to look at the bill, we had opportunity for a relatively informal conversation with the Attorney-General on 8 November 2016, for which I thank him.

In that session we talked about the government's response to the Child Protection Systems Royal Commission, and we had a general discussion about whether a committee such as ours could add value in the parliamentary scrutiny. The Attorney called for more dialogue and expressed the hope that, given the nature of the conversation about child protection, he hoped that the parliament could have a more unified collective view about child protection legislation.

In terms of an experiment, I would say that the availability of the committee in terms of facilitating dialogue between the government and stakeholders did not materialise. The committee did seek to facilitate a conversation with the parliament and with the community, and in that regard we received a number of very interesting submissions from stakeholders.

Generally, the committee did not find support for this bill amongst stakeholders. Of course, the stakeholders' views varied—that did not surprise me. To be frank, what surprised me was the extent of unanimity among the stakeholders. The committee's report, which I tabled today and which will be considered in a more formal way by this house in the normal consideration in private members' time, references a letter dated 1 May 2017 from the SACOSS Chief Executive, Mr Ross Womersley. Mr Womersley in that letter effectively was acting as the lead signatory for a coalition of seven key stakeholders.

In that letter Mr Womersley expressed the collective view of those stakeholders that they did not believe the bill should pass the Legislative Council in its current form. In particular, the consensus of the stakeholders was that, in spite of the name of the bill, that is, the Children and Young People (Safety) Bill, the bill is likely to make children and young people less safe and provide them less protection, and in that sense the very clear message was that, in terms of doing no harm, the best way for this parliament to do no harm was to not pass the bill.

It was also the view of stakeholders that there was a need for legislation to deal with early intervention issues and that if those matters were to be legislated it would be better for them to be considered concurrently with this bill. The recommendations of the committee, which have been tabled with its report today, are that:

1. the Government develop, with community engagement and consultation, a bill to amend or replace the Family and Community Services Act 1972 to better protect children and young people by facilitating early intervention, and by strengthening and supporting families;
2. the Children and Young People (Safety) Bill 2017 or a new bill should be considered by the Parliament in concert with the bill developed pursuant to Recommendation 1; and
3. the Government and the Parliament work together with the aim of passing both pieces of legislation by the end of 2017.

In highlighting those recommendations, I would like to acknowledge the hard work of members of the committee: the Hon. John Darley, the Hon. Tammy Franks, the Hon. Dennis Hood, the Hon. Jing Lee, our secretary, Mr Beasley, and our research officer, Ms Mollard.

There have been a lot of conversations between stakeholders, the government, the opposition and the crossbenchers and between different elements of those—different permutations of those groups—so I was very pleased today to receive communication from the stakeholders, which provided an update on progress.

There had been reports of quite a lot of discussions, and I wanted to be clear on what advice we were receiving. So what I propose to read from now is a joint media release issued by the following organisations: SACOSS, the Australian Medical Association, the Law Society, the Aboriginal Legal Rights Movement, the Youth Affairs Council of South Australia, the Child and Family Welfare Association of SA, the Child Protection Reform Movement and the Council for the Care of Children.

The media release is headed 'Alliance urges Upper House to reject flawed and inadequate child safety bill'. I received it soon after midday today. The release reads:

An alliance of child advocates including SACOSS, the AMA (SA) and the Law Society, is disappointed that the Government continues to ignore their expert advice and now urges the members of the Upper House to halt progress of the Children and Young People (Safety) Bill unless remedied.

Members of the alliance include SACOSS, the Law Society, AMA (SA), CAFWA, YACSA, ALRM, the Council for the Care of Children, and the Child Protection Reform Movement. Despite repeatedly encouraging the Government to address key flaws in the Bill, in its current form it remains completely inadequate.

Three crucial areas include: the absence of focus on prevention and early intervention; the need for measures that redress the over-representation of Aboriginal children and young people; and the need to ensure assessments are based on 'best interests of the child' rather than 'safety' alone. The current legislation is not consistent with our obligations under the UN Convention on the Rights of the Child.

In our meetings with Government, they did canvass the idea of potentially redrafting the Family and Community Services Act 1972 or developing a new Act, with the idea of establishing a much broader legislative base for the activities of prevention and early intervention especially in relation to child abuse and neglect.

We believe this may be a useful way in which to embed the activities of prevention and early intervention across a range of areas including in driving the work of government in areas of children's wellbeing, health services, education, juvenile justice and support to families and communities more broadly.

If so, a revised F&CS Act (or a completely new Bill) must be considered in conjunction with a duly amended Safety Bill, so as to ensure a comprehensive basis on which to advance the wellbeing and safety of children and young people across South Australia.

This is the key paragraph:

To this end we urge the Cross Bench and the Upper House not to support the Children and Young People (Safety) Bill passing the Legislative Council even with significant amendment, without the opportunity for consideration of another Bill containing prevention/early intervention measures at the same time.

The release ends there, but there are quotes attributable to key members of the alliance. Firstly, Ross Womersley, the SACOSS CEO, is quoted as saying:

We are asking that the Cross Bench takes a strong stance with regard to the C&YP (Safety) Bill. It is a Bill designed to protect some of SA's most vulnerable citizens and therefore it is something that we absolutely must get right.

The AMA(SA) president, Associate Professor William Tam, stressed that the fact that so many groups are standing together on this issue is significant and reflects the strong concerns about the bill, and that the responses we have seen so far are falling short. He said:

It is not every day that you have this many groups standing together to say 'this is not good enough'. We have heard the rhetoric about prevention and early intervention, but what we need now is action.

Simon Schrapel, Chair of the Council for the Care of Children, said:

If the current Child Safety Bill is allowed to pass without the major reforms identified by the Alliance and without a parallel Bill for Child and Family Wellbeing and Prevention then we will be taking a massive backwards step for South Australia's children. This would be one of this Government's greatest missed opportunities at a time we desperately need contemporary legislation to promote the best interests of children and young people in our State.

I turn now to the Liberal Party's position on the bill, which as always was ably put in this council on Thursday of last week by my honourable colleague Andrew McLachlan. He indicated that the Liberal opposition will support the second reading of the bill. It is a long established practice of my party that we believe in the parliamentary process and the value of, shall we say, ventilating ideas in bills, even bills that we may in the end not support. I understand that some parliamentary groups in this chamber may well be intending to vote against this bill at the second reading; that is not the intention of the Liberal Party. In his contribution, the Hon. Andrew McLachlan made it very clear that:

The Liberal Party is listening to the community; the Liberal Party is consulting with community groups. We note the strong views of the Attorney in the other place. We note the strong views of community groups that are advocating that the bill should not pass into law, and retain extant laws at the very least. We are considering carefully the joint statement from the following organisations in respect of amendments to the bill...

The honourable member goes on to read the list of the alliance. Later in his contribution, he states that:

...regardless of our political orientation, we all share the objective that we seek the best legislative framework for the protection of our children in need.

I associate myself with those remarks and the fact that this should be an issue where we as a parliament tread carefully. We need to make sure that we do no harm. Yesterday, the joint party room of the Liberal Party considered the conversation up to this point and, in particular, considered the call of the alliance and, for that matter, the broader community.

The Liberal Party reaffirmed its commitment to support the second reading of this bill but, in the spirit of ensuring the best possible framework to protect and support the health and wellbeing of children and young people, we acknowledge the calls by key stakeholders that this bill progress conjointly with a bill focused on prevention and early intervention. We urge the government to listen to the calls of key stakeholders, experts and the community.

I have a number of concerns with the bill. If it is the government's intention to progress this legislation and ignore the calls of stakeholders for it to be considered concurrently with a parallel bill so that we can have a more holistic and better package to protect children and young people, then I will certainly be making a contribution in the committee stage.

The Hon. T.A. FRANKS (15:44): I rise on behalf of the Greens to oppose the government's Children and Young People (Safety) Bill 2017. While so far in this debate I think the Greens stand alone in opposing the bill, and we intend to vote against it at the second reading stage, we do not stand alone when it comes to looking at those in the sector. Just today, a media release from those in the sector has spoken loud and clear, as the Greens intend to do today.

A joint media release was issued from SACOSS, the Australian Medical Association of South Australia, the Law Society of South Australia, the Aboriginal Legal Rights Movement, the Youth Affairs Council of South Australia, the Child and Family Welfare Association of South Australia, the Child Protection Reform Movement and the Council for the Care of Children. It was headed, 'Alliance urges Upper House to reject flawed and inadequate Child Safety Bill,' and was released just today. It states:

An alliance of child advocates including SACOSS, the AMA(SA) and the Law Society, is disappointed that the Government continues to ignore their expert advice and now urges the members of the Upper House to halt progress of the Children and Young People (Safety) Bill unless remedied.

Members of the alliance, of course, include those I have named. The three crucial areas are identified not only in this media release but time and time again through letters to the Attorney, presentations at the select committee and pleadings, I think, to not just ministers of this government but also

members of the Labor Party, members of this parliament, as well as crossbenchers and opposition. It goes on to state:

Three crucial areas include: the absence of focus on prevention and early intervention; the need for measures that redress the over-representation of Aboriginal children and young people; and the need to ensure assessments are based on 'best interests of the child' rather than 'safety' alone. The current legislation is not consistent with our obligations under the UN Convention on the Rights of the Child.

The Alliance media release goes on to state:

In our meetings with Government, they did canvass the idea of potentially redrafting the Family and Community Services Act 1972 or developing a new Act, with the idea of establishing a much broader legislative base for the activities of prevention and early intervention especially in relation to child abuse and neglect.

It goes on to state:

We believe this may be a useful way in which to embed the activities of prevention and early intervention across a range of areas including in driving the work of government in areas of children's wellbeing, health services, education, juvenile justice and support to families and communities more broadly.

If so, a revised F&CS Act (or a completely new Bill) must be considered in conjunction with a duly amended Safety Bill, so as to ensure a comprehensive basis on which to advance the wellbeing and safety of children and young people across South Australia.

The press release goes on to state:

To this end we urge the Cross Bench and the Upper House not to support the Children and Young People (Safety) Bill passing the Legislative Council even with significant amendment, without the opportunity for consideration of another Bill containing prevention/early intervention measures at the same time.

The quotes attributed in this press release are to that of SACOSS CEO, Ross Womersley, who says:

We are asking that the Cross Bench takes a strong stance with regard to the C&YP (Safety) Bill. It is a Bill designed to protect some of SA's most vulnerable citizens and therefore it is something that we absolutely must get right.

The press release also states:

AMA(SA) President Associate Professor William Tam stressed that the fact that so many groups are standing together on this issue is significant and reflects the strong concerns about the Bill, and that the responses we have seen so far are falling short: 'It is not every day that you have this many groups standing together to say "this is not good enough". We have heard the rhetoric about prevention and early intervention, but what we need now is action.'

Simon Schrapel, Chair of the Council for the Care of Children, stated:

If the current Child Safety Bill is allowed to pass without the major reforms identified by the Alliance and without a parallel Bill for Child and Family Wellbeing and Prevention then we will be taking a massive backwards step for South Australia's children. This would be one of this Government's greatest missed opportunities at a time we desperately need contemporary legislation to promote the best interests of children and young people in our State.

I would like to reflect on how we got to this point, where an alliance of such groups is calling for the bill to be voted down, or at least halted until we have both significant amendment and a concurrent bill. We come to this with a process where we have seen a royal commission, under Justice Nyland, a report and we have seen the government in damage control, and I think we have seen an Attorney who simply wants to get a bill passed through the parliament and 'tick and flick' this issue. That tick and flick approach is not good enough on child protection.

We have also seen a bill come which deals with the most difficult of cases, those children in out-of-home care, without addressing in this place how we keep children from getting into that position and how we prevent not just those children but of course those families from getting into that position in the first place. I have certainly listened, through the select committee process, to the joint and consistent concerns raised, not just by those groups but others such as Anglicare.

While I thank minister Rau's office, and in particular Brette Schumann, for their briefing today, I had asked in that briefing who supported the bill in the current form going through. While I received nothing in writing from any particular group that could be identified, I will reflect on one that was raised last week in this place by the Hon. Tung Ngo, saying that the Guardian for Children and Young People had welcomed the bill. He selectively quoted that the guardian had welcomed the bill because

it contained the charter for children's rights that was left out of the last bill that we debated in this place and was promised be included in this bill.

To fix a mistake of a previous bill is a good thing, but I hardly think it warrants making the same mistakes all over again. Just how did we get to this place where we have so many people from the sector opposing this particular bill? We get to a place where we have a royal commission and these are issues that, quite rightly, are emotional and are important, and so very important that we get right. We then have the minister, the Attorney, who rushes a consultation process. He declares and defends rather than consults and decides, as was promised by this new Premier Weatherill as a marking of a new approach from the Labor Weatherill government.

We have a bill that was introduced on 14 February in the other place with the suspension of standing orders, a bill that the sector has not seen. The sector, yes, has provided feedback to it over the Christmas break—I will point out, over the Christmas break, when those in the community sector, quite rightly and deservedly, should have been able to get a break rather than be contributing to the government's processes in such a fashion. We get a bill that is introduced with the suspension of standing orders without the sector having seen it, without the sector being able to make members, not only of this chamber but of the other chamber, aware of their concerns, and that the opposition had not sighted until it landed on their tables in the other place.

I watched that debate and I was horrified at the cavalier attitude of the Attorney to try to rush this bill through that place. Some wiser heads must have prevailed because after that it was stalled for some consideration. At that point, as the Hon. Stephen Wade has noted, the upper house's continuing select committee took a reference to take on board this particular bill for further examination. I am certainly pleased to have been an active participant of that select committee and to have not only heard from witnesses but to have taken submissions and to have required that we be privy to the submissions made over that Christmas break by the sector.

Early on, we certainly heard, I think, quite a united voice of concern and alarm bells ringing. Most notably, at that time, was the fact that this bill, in the other place, had completely forgotten to include provisions around female genital mutilation; provisions decades old that had been hard-fought by the women's sector to gain, that were best practice in terms of not only punishing the crime of female genital mutilation, but recognising the specifics, and the cultural specifics, and the secrecy around that crime and ensuring that there were preventative measures in place in our statutes, such as the ability to take passports away where a child was considered at risk, in that case a girl considered at risk.

Of course, we do not actually have laws in this state that prohibit circumcision of male children. We have specific laws around female genital mutilation for very good reason, because it is abhorrent and it is a violation of human rights and indeed the laws that we had. Having both preventative measures and addressing the very secret and cultural nature of that crime were best practice. But the bill before us had forgotten to keep those laws, even though that concern had been raised by the guardian, the very guardian who was very happy that we finally had the charter in this bill because we forgot it in the last bill. She had raised in her submissions to government, over the Christmas break, that female genital mutilation provisions and protections had been lost in this new bill. The guardian's office had been ignored and only through the work of both the select committee and the opposition in the other house did we finally see the Attorney recognise that mistake and correct it.

It was corrected in the other place, but I must say that the debate was incredibly disappointing because both the Attorney and the member for Light posited that perhaps it was somehow offensive and discriminating against boy children and intersex children that there be specific provisions for female genital mutilation, not only ignoring the advice of the guardian in her submission over the Christmas break, but indeed those decades of hard-fought legal reform won by the women's movement and the best advice of the United Nations and the World Health Organisation. Shocking stuff.

If I were a Labor member I would certainly have raised in caucus why on earth we had not kept the protections around female genital mutilation and where were those provisions in this bill. I am quite pleased, however, that the government saw sense on that matter, but that is just one of the issues that was raised.

I will get back to the briefing that I had today where I was told that I would be informed that there were people who support this bill in the sector. I am not buying the story that the guardian has given this bill a glowing review, but I was told that Anglicare was supportive. I found this curious because Anglicare also presented to the select committee. While they are not on the list of the coalition, they are a member of SACOSS and I think perhaps they did not feel the need to differentiate themselves. Of course, SACOSS represents quite a number of organisations with expert understanding of this sector.

The AnglicareSA media release that was put out on the day they presented to the select committee, dated 6 April 2017, titled 'Let's get the Child Protection Bill right,' begs the question that they think there are things in the child protection bill that are wrong. The Anglicare media release goes on to say:

AnglicareSA will use today's appearance before the Select Committee on Statutory Child Protection and Care in South Australia to outline further changes required in the new Children and Young People (Safety) Bill 2017.

Peter Sandeman, AnglicareSA's CEO, is quoted as saying:

We have a once in a generation opportunity to make the fundamental changes required to South Australia's child protection system.

Previous reforms have failed and we must make sure we get the changes right, because some of the most vulnerable young people in our community are counting on us to.

AnglicareSA believes that 'to do no harm' or 'keep children safe' is not a sufficient ambition for our child protection system or the community.

The Bill should be amended to make the best interests of the child the paramount consideration. Safety is important, but our aspirations must be much higher.

He goes on to give examples of how this could be done and he also raises an issue that is dear to my heart and that the Greens are certainly supporting, which is the extension of those provisions for children in state care to the age of 21. He says:

Most young people aren't ready to leave home at the age of 18 yet we require young people in care to be out of home at this age. Given their background, most care leavers are just not ready to exit the system and live independently at 18.

Where is that in this child safety bill? It is silent on the issue and yet we know that 63 per cent of homeless young people are care leavers, 46 per cent of young men and 22 per cent of young women who have been in care are in the juvenile justice system, and 65 per cent of care leavers do not complete year 12. They are the children who we should be giving the best opportunity and the best future to in this bill.

The bill should embody the Home Stretch campaign's goals and provide an extension of care to those children so that they can journey into adulthood and be educated, be employed and have prosperous lives, and not end up back in the juvenile justice system or, indeed, homeless. It is a shocking state of affairs that we do not take better care of those children in our care to ensure that they can become such adults.

I am not sure that Anglicare supports the bill. To my reading, it does not sound like it. Certainly, when Peter Sandeman gave his presentation to the select committee, it did not come across to me as a glowing endorsement of the bill. I am waiting for the government to provide in writing the name of an organisation that does support this bill that works with these particular children and these vulnerable groups, because, as I say, SACOSS, the AMA, CAFWA, YACSA, the Law Society and the Council for the Care of Children have made their views loud and clear.

They did not first raise these views today in that press release. They have submitted to the consultation process to draft this bill and their voices have been ignored. They have written to the Attorney and their voices have been ignored. They have met with the Attorney and minister Close and it seems their voices have been ignored. So, in frustration, they have asked us to halt this bill.

As the government's ministers are well aware, the points of contention are about the language of the best interests of children and young people, intensive family support and ministerial responsibility and accountability and whether the moves to transfer that responsibility to the chief executive are appropriate. Other contentious matters have to do with mandatory reporting and

connection with biological family, the temporary placement of children and, of course, the over-representation of Aboriginal children and young people.

In the previous advisory body's child protection bill, the Greens raised that there should be an Aboriginal co-commissioner for children because, as we know, we have an unacceptably high level of Aboriginal children in out-of-home care that must be redressed. Certainly, a step that the ALRM has called for and the Greens support is to put that position in place so that we can turn the tide on that issue.

It is unacceptable in this day and age that we keep having new stolen generations and, indeed, the levels at which children are being taken away from families are at those same levels that we have seen apologies for not just in this place but also in the federal parliament. The annual review of children's and young people's circumstances has also been raised with the select committee and ways that that can be better applied to give these children every chance, as well as the SACAT reviewable decisions.

I know that the opposition has an intention to move amendments to this bill to try to fix it and to try to address some of those particular issues. I also know that the Australian Conservatives member, the Hon. Robert Brokenshire, has amendments around the drug and alcohol testing of parents and the placement of children in those situations. We are seeing a lost opportunity here for that early intervention bill to be debated at the same time as this bill, as the sector has called for. The Law Society has also offered to the select committee to assist with the drafting of the bill.

Should the government see the error of their ways in trying to rush this bill—not listening to the consultations and the feedback they were given over the Christmas break—and sit down with the sector and come up with a bill that the sector can support, then they would see this bill sail through the parliament with an early intervention bill. However, yet again we are here debating how many ambulances we want at the bottom of the cliff rather than putting a fence at the top of the cliff in the first place.

While that is rhetoric, I think this issue deserves more than a shoddy bill that fixes some of the errors of the last bill, that does not listen to the sector and was sought to be rushed through the parliament by an Attorney who seems more bent on just the tick and flick process of another bill through parliament rather than getting this particular bill right. A better approach than amending such a complicated bill on the floor—a complicated bill that I think we need to get right in this area—would be to bring back a bill that the sector supports.

That is why the Greens will oppose this particular bill, but we will engage on each and every amendment. I was informed by the Attorney's advisers today that the government does not intend to table further amendments to this bill. That is disappointing. I was also informed in my briefing today that the government does not intend to bring forth an amendment to the Family and Community Services Act any time soon. This is also a disappointing lost opportunity because I think that was the olive branch that the sector was offering the Attorney: that that bill, which is slated to happen, be debated concurrently so we could make sure that we had a holistic approach to this very important area of state legislation.

It is incredibly disappointing to see the work of previous inquiries ignored and to see a bill brought forth to this parliament that took away Aboriginal children's cultural identity and gave them a supposed choice to decide that they were not Aboriginal. To my reading, that looked more like an attempt by government to reduce the figures of Aboriginal children in out-of-home care by having those children decide that they were not to be referred to as Aboriginal, rather than an approach to child protection that actually puts those children's needs and interests first. Certainly, that was abhorrent.

I welcome the quite unusual amendments the Attorney made to include provisions to protect against child marriage. I also acknowledge the work of both the member for Adelaide and the Hon. Michelle Lensink over a long time on raising those issues on protections that are required from our parliaments to protect girls from being married at a young age. It is quite extraordinary that the Attorney could see fit to include those provisions that reflected the member for Adelaide's previous private member's bill, which I think the government had rejected in an attempt to pacify her, rather than to properly fix this flawed and failed bill.

The Children and Young People (Safety) Bill should be something that came to this place with the full support of those who work at the coalface of child protection. That sector does some of the most difficult work in our society and they deserve better than this slapdash approach from the Weatherill government.

Again, I hope that wiser heads will prevail and that members of the government, apart from the Attorney, will actually read the submissions made to the select committee, read the submissions made by the sector over that Christmas break, read the evidence given and realise that this bill that they are having their party's name and their government's name put to is a bill that is not what our children deserve.

Debate adjourned on motion of Hon. J.E. Hanson.

ANZAC DAY COMMEMORATION (VETERANS' ADVISORY COUNCIL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 April 2017.)

The Hon. T.J. STEPHENS (16:11): I rise to speak to the ANZAC Day Commemoration (Veterans' Advisory Council) Amendment Bill currently before the council. On behalf of the opposition, I indicate that we will be supporting the bill.

The bill seeks to amend the ANZAC Day Commemoration Act 2005 to transfer the functions of the ANZAC Day Commemoration Council to the Veterans Advisory Council and the Minister for Veterans' Affairs. This was necessitated by the Premier's review into boards and committees, where the ADCC was slated for abolition. This makes sense as we approach the end of the centenary of the Great War and therefore a return to more regular levels of commemoration, which presumably cost less and require less attention and planning.

According to the government, the Crown Solicitor advised of the best course of action upon the dissolution of the ADCC. The ADCC had the power to appropriate funds from the ANZAC Day Commemoration Fund. This power will now be transferred to the minister acting on the advice of the Veterans Advisory Council. Once the bill is enacted, the minister will amend the terms of reference of the Veterans Advisory Council to include advice on the spending of fund moneys. All this seems quite straightforward. I have received a briefing from Rob Manton, the Director of Veterans SA, on the bill and I am satisfied this this new structure is fit for purpose.

My only concern is the ability of the current minister to properly administer the duties and responsibilities that the bill places on him. My concern is somewhat relieved by the fact that the Veterans Advisory Council will be providing advice, and I just hope their recommendations are followed closely without any autocratic or unilateral actions, which are customary with this minister. I commend the bill to the council.

The Hon. J.E. HANSON (16:13): I rise to speak in support of the bill. The bill seeks to transfer the functions of the ANZAC Day Commemoration Council to the Minister for Veterans' Affairs, following on from the 2014 boards and committees review.

The bill proposes that in these matters the Minister for Veterans' Affairs will act on the advice of the Veterans Advisory Council. Honourable members will recall that the Veterans Advisory Council (VAC) was established in 2008 to provide a strong voice for the veteran community at the highest levels of government. It ensures that the views of the veteran community can and always will be heard by the Minister for Veterans' Affairs, the Premier and the cabinet of our state. The council is recognised and respected across government for the important and varied work it undertakes on behalf of our veterans, their loved ones and the entire veteran community.

I am advised that the council comprises 17 members and a chair. Its members include broad representation of former and current serving personnel, as well as members of the veteran community. The VAC is capably chaired by Air Vice Marshal Brent Espeland, who is retired at this time and who last year replaced the distinguished the Hon. Sir Eric Neal, who had served in the capacity since the council's establishment in 2008.

There are no specific statutory qualifications required to be appointed to the VAC; however, it is regarded as essential that the membership body be genuinely representative of the veteran community it serves. The current composition of the council satisfies this important criterion, and I know that care will be taken to ensure that this remains the case into the future.

There are more than 30 major ex-service organisations in South Australia and more than 300 smaller and associated groups, along with those veterans who choose not to belong to an ex-service group. So, the VAC is charged with representing a very significant and diverse range of people and their views.

In terms of direct community engagement and veteran community representation, the Veterans Advisory Council (VAC) works tirelessly to ensure that the views and concerns of South Australia's veteran community are conveyed accurately and thoroughly to the Minister for Veterans' Affairs, who is then better able to advocate on their behalf and their families' behalf to either a state or commonwealth level.

Over the last nine years since the VAC's inception, the state government has taken the opportunity to use its outreach capabilities to conduct direct engagement with the veteran community in the knowledge that the recommendations it provides as a consequence of its broad membership are fairly representative of the diverse veteran community.

South Australia has led the nation with our state-based veterans' affairs portfolio. It is a portfolio that continues to grow as we look to veterans' issues and concerns into the future. Our VAC consultative and advocacy model is being adopted by other jurisdictions across the nation, which is a welcome endorsement.

The VAC's role under this proposed legislation will be to evaluate grant applications to the ANZAC Day Commemoration Fund and provide recommendations for the consideration of the Minister for Veterans' Affairs. This process will ensure the broadest possible base of advice is offered to the minister to inform his or her decision. In view of the great diversity of the veteran community, this is an important condition to meet.

We need to ensure that our ANZAC Day commemorations continue to do justice to the ultimate sacrifice paid by those who did not return from war and to the considerable sacrifice made by those in service who were fortunate enough to return home, although rarely unscathed. We must always take care to honour the fact that not all war wounds are visible ones.

It is of the utmost importance that our living veterans continue to be treated with concern, with respect and with a view to ensuring that their broad range of views and concerns are heard by our government in as true and as accurate a manner as possible. That is what our VAC capably facilitates. I commend the bill to honourable members.

The Hon. T.T. NGO (16:18): I rise to speak in support of the ANZAC Day Commemoration (Veterans' Advisory Council) Amendment Bill 2017. When war broke out in 1914, Australia had been a federated nation for only 13 years. Australian and New Zealand forces landed at Gallipoli on 25 April 1915. At the end of 1915, when allied forces were evacuated, Australia had lost more than 8,000 of its sons. Although the Gallipoli campaign failed, the ANZAC legend was born. Australians recognise 25 April as a day of national remembrance. ANZAC Day has been broadened to include those who have lost their lives in all military and peacekeeping operations in which Australia has been involved.

During my time as a member of the Legislative Council, I have had the privilege of attending commemorations for Australian servicemen and servicewomen. On the ANZAC Day just past, I was fortunate to attend the ANZAC Day march in Adelaide and the Cross of Sacrifice service. The Ode of Remembrance was particularly moving.

That week, I also attended a commemoration of the fall of Saigon. It has been 42 years since the communists in North Vietnam invaded South Vietnam. The event was very well attended by Australian Vietnam veterans and their families, and there was also a strong contingent from the Vietnamese community. The fall of Saigon anniversary is always a reminder that, in Australia, our rights and freedoms are protected, and those who have fled war and oppression, myself included, have been granted a chance to live a safe, peaceful and free life.

I have said this before in this chamber and at many veterans' events, but I do not think we can ever give too much thanks to the many Australians who gave their lives in the Vietnam War, so thank you again. Many Australian families lost loved ones, and I am forever grateful for their sacrifice.

That week, I also represented the Minister for Police, the Hon. Peter Malinauskas, at the police ANZAC memorial service, and I had the pleasure of chatting to the leader of the service, police chaplain Tom Playford—the son of former premier Tom Playford. Some of the chaplain's thoughts about ANZAC Day have stuck with me, and I would like to share them with members.

What did those soldiers who made the ultimate sacrifice for Australia leave behind for us? They left us this great country. Those soldiers died because they wanted us to live and enjoy this great way of life. It is the responsibility and the right of every Australian to live this life and to better the country that those men and women left us.

We must also remember that Australian servicemen and servicewomen are still involved in conflicts, peacekeeping missions, disaster relief and humanitarian assistance missions. To date, more than 9,000 South Australians have died as a result of Australia's involvement in military operations. The ANZAC Day Commemoration Fund is designed to offer grants to commemorate Gallipoli and the many campaigns that have involved Australian servicemen and women.

Projects that have received grants in round 3 of 2016-17 include the National Railway Museum's Conservation of World War I Honour Roll, Wish Me Luck: Honouring Our World War II Veterans exhibition at the Flinders University Art Museum, and the RSL Virtual War Memorial. These are just a few of the projects that have received funding. Many other projects have received funding since the ANZAC Day Commemoration Fund was established in 2005.

This bill offers the opportunity for the broadest representation of veterans to be involved, through the Veterans Advisory Council, in the assessment of applications and the allocation of funds. The Veterans Advisory Council's involvement will afford the Minister for Veterans' Affairs the best available advice to inform his or her decisions.

It is imperative that we educate future generations, not only our youth but also our new citizens who are choosing to call Australia their home, on the service and sacrifice of our nation. With that, I commend the bill to honourable members.

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) (16:25): I thank members for their contributions—I believe there are no further second reading contributions. In summing up, I would like to give a few more details. In 2005, this parliament passed the ANZAC Day Commemoration Act to ensure that the contribution of all who have served Australia in time of war or armed conflict or in international peacekeeping operations are recognised and commemorated in this state.

As others have said, South Australians have always answered their country's call. Our state's history has many examples of the courage, selflessness, sacrifice, tenacity, compassion and mateship that marked the first ANZACs who landed at Gallipoli. Along with projects such as the ANZAC Centenary Memorial Walk, opened on 23 April 2016, the government has sought to emphasise the service of all South Australians during the centenary of ANZAC period.

The government has increased the ANZAC Day Commemoration Fund, enshrined within this act, by \$1 million over the four years of the centenary of World War I; that is, 2014 to 2018. This fund, totalling \$350,000 annually during this period, has been applied by the ANZAC Day Commemoration Council for commemoration and education purposes to great effect, and I congratulate the council's membership for their work and achievements.

As has been commented upon, there was a review of boards and committees. In July 2014, the Premier announced a review of all government boards and committees. The scope of the review included 429 government boards and committees. The final outcome of the boards and committees review recommended that the Veterans Advisory Council, a non-statutory authority appointed by the Minister for Veterans' Affairs, be retained and that the functions of the ANZAC Day Commemoration Council transfer to the Veterans Advisory Council after ANZAC Day 2018.

Following the passing of the Statutes Amendments (Boards and Committees - Abolition and Reform) Act 2015 in August 2015, responsibility for the ANZAC Day Commemoration Council was transferred to the Minister for Veterans' Affairs, transferring administrative functions from the Department of the Premier and Cabinet to Veterans SA within the Department of Treasury and Finance.

Since the inaugural meeting in 2007, the ANZAC Day Commemoration Council has distributed over 400 grants to organisations and community groups totalling over \$1.5 million. These grants have assisted in the education of Australians and has ensured that the service and sacrifice of military personnel is commemorated now and into the future.

Under the proposed amendment before the council today, the functions relating to the ANZAC Day Commemoration Fund will transfer to the Minister for Veterans' Affairs. Each application made to the minister for a payment from the fund must be referred to the Veterans Advisory Council for its consideration. The Veterans Advisory Council will make recommendations to the minister in relation to such applications. Under this model, the Veterans Advisory Council retains its advisory role, which also includes providing policy advice to government and advocating for the needs of veterans.

The Veterans Advisory Council was established in 2009 to provide a voice for the veteran community at the highest level of government. It is comprised of 16 members, plus a chair, representative of those who have served, by rank, gender, service and conflict. Its current structure also includes current serving personnel from all three services. The focus of the Veterans Advisory Council is now firmly on the next 50 years, ensuring that the needs of our contemporary working age veterans and those still in uniform are catered for in South Australia.

In doing so the Veterans Advisory Council has not lost sight of the origins and the legacy of service in the Australian Defence Force and keeps a very close eye on the needs of our veterans from earlier conflicts to ensure they are commemorated respectfully and their needs are addressed appropriately.

The Veterans Advisory Council's objectives are consistent with those of the ANZAC Day Commemoration Council; that is, to promote the wellbeing of all members of the veteran community in South Australia, encourage cooperation across all veterans' organisations in South Australia, provide veterans an avenue to communicate directly to the highest levels of the state government through the Minister for Veterans' Affairs and, through the minister, to commonwealth ministers concerned with veterans' affairs and also to monitor and provide advice about matters relating to the recognition and commemoration of the service of veterans.

Again, I thank honourable members for their contribution and look forward to the speedy dealing of this matter 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) (16:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SENTENCING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 March 2017.)

The Hon. A.L. McLACHLAN (16:32): I rise to speak to the Sentencing Bill. I speak on behalf of my Liberal colleagues. The Liberal opposition will support the second reading. I alert honourable members that the Liberal Party will seek to explore amendments to clauses of the bill regarding home detention, and the Liberal opposition will also consider the debate on the second reading when assessing any amendments that may be put forward by other honourable members in the chamber.

When contemplating crime and punishment I am always drawn to the line, 'Yet who would have thought the old man to have had so much blood in him,' one of the most powerful lines in the great plays, demonstrating the corrosiveness of guilt. In response to a criminal act the community has always grappled with an appropriate response. In sentencing, the state acts in its most coercive manner; therefore, the infliction of a punishment on an individual by the state presents a distinctive moral challenge to any community, especially when determining what the appropriate treatment is for those who have been convicted of a crime.

There are generally two main schools of thought. There are those who justify punishment as a means to deter and even prevent future criminal acts as well as seeking to reform offenders. The alternative view is that punishment is deserved and therefore an inherently appropriate response to criminal wrongdoing. Punishment by its very nature imposes a burden on the individual convicted. There is an element of retribution to ensure the maintenance of social order. It is in the form of restriction of liberty, financial penalties or community work.

There is also some component of suffering and public condemnation, and a desire for community wellbeing. This leads to an inevitable tension between many of these objectives and the importance of ultimately restoring the guilty to the community, if possible. We must be careful that the punishments that are inflicted in our name do not harden individuals into career criminals. Those who have committed crimes should receive a punishment, but it is an old wisdom that teaches us that we must always seek to be humane and show mercy, especially when the convicted has demonstrated contrition.

This bill repeals the Criminal Law (Sentencing) Act 1988 and rewrites the legislation for the sentencing of criminal offenders within South Australia. The bill seeks to address the inherent tensions in sentencing which I have raised. The primary purpose of sentencing a defendant will be to protect the safety of the community. There are also secondary sentencing purposes identified. The bill contains provisions that are dependent upon the passing of the government's indictable offences bill, which seeks to overhaul the way indictable offences are procedurally dealt with in the criminal justice system. Some of the provisions in this sentencing bill relate to sentencing discounts for guilty pleas made at various stages of their proposed pre-trial disclosure regime in the indictable offences bill.

I now turn to the practical changes proposed by this bill. The bill repeals the current sentencing act and replaces it with a new act. Firstly, it reforms the general sentencing principles that are contained in the current act. The extant act contains an extensive list of sentencing considerations in section 10. The bill repeals this and replaces it with a new model. As I have mentioned, the bill sets out that the primary purpose of sentencing a defendant is to protect the safety of the community. The bill then sets out a range of secondary sentencing purposes. These include considerations such as punishment, deterrence and rehabilitation. Every sentencing principle is subject to the overriding primary principle.

A third tier of technical, or what is called individual, sentencing factors is then set out. There is no particular order in which these factors are to be considered, and the significance of each will largely depend on the facts of a particular case. By way of example, these include a range of factors already considered in the sentencing process, such as the nature, circumstances and seriousness of the offence, the personal circumstances and vulnerability of the victim, the defendant's offending history, age, physical and mental condition, and the likelihood that they will reoffend.

The bill also proposes some reforms to the operation of sentencing reductions for guilty pleas. The Criminal Law (Sentencing) (Guilty Pleas) Amendment Act and the Criminal Law (Sentencing) (Supergrass) Amendment Act came into force as recently as March 2013. Those acts created a legislative scheme for the reduction of sentences following guilty pleas and a defendant's

cooperation with law enforcement agencies. The scheme created a sliding scale of reductions depending on the timing of the guilty plea.

Of note, under the current act, if a guilty plea is entered not more than four weeks after the first court appearance, the sentencing court may reduce the sentence by up to 40 per cent. If a plea is entered more than four weeks after that, the maximum discount decreases in accordance with prescribed periods to the lowest maximum of 10 per cent. Those provisions are also aimed at encouraging offenders who are minded to plead guilty to do so in a timely way.

The acts were to be reviewed after two years and this was conducted by the Hon. Brian Martin AO QC. In his review, he addressed the legal interpretation of the maximum 40 per cent discount provision for those offenders who pleaded guilty within the first four weeks after their first court appearance. He drew attention to the Court of Criminal Appeal's decision that where negotiations have taken place after this four-week period as a result a different charge is laid in its place. The time period restarts upon the filing of this new offence. The Attorney stated in his second reading in the other place that it was never the intention to allow the defendant who declines to negotiate until the doorstep of trial to merit a 40 per cent reduction in sentence.

To address this issue, the bill before us includes amendments to ensure that the court has regard to the timing of the negotiation when they result in the laying of an alternative charge in respect of the same conduct. The bill also introduces a maximum 10 per cent reduction incentive for those defendants who do not plead guilty but comply with the proposed new pre-trial disclosure requirements.

The bill introduces some amendments to the government's newly implemented home detention regime. The proposed changes include a requirement that a home detention order may not be made if it would lead to a lack of public confidence in the administration of justice. The conditions of home detention will now specify that liberty to attend remunerated employment and attendance at a course of education, training or instruction must first be approved by a home detention officer. The bill also introduces mandatory electronic monitoring.

The Liberal opposition has filed amendments to the home detention provisions. These amendments were moved by the member for Bragg in the other place, but they did not, at that time, find favour with the government. In short, the amendments seek to restrict the amount of time a home detention detainee can be outside their home to 12 hours a day and restrict the type of remunerated employment that the home detention officer can allow the detainee to take part in to exclude sporting activities. It also defers any proposed change to the detainee's employment or time at home arrangement back to the court rather than to the home detention officer.

The Liberal opposition has been prompted to move these amendments as a result of the issues that have already arisen with the operation of the government's home detention scheme. We continue to consult on the potential impact of these provisions. As a result of the consultation, our amendments may be subject to some further refinement.

The bill also introduces two new sentencing options for courts to impose when sentencing, in addition to the measures that are currently available. The first is called an intensive correction order and the second is a community-based order. I asked the minister in the summing up of his second reading what the genesis for these two new options was, have they been used interstate and, if so, have they been proven to be effective?

I also asked the government to address, in the summing up of the second reading debate, the points and arguments raised by the South Australian Bar Association in their letter to the Attorney-General dated 15 March 2016. Sentencing is never an easy task and is often subject to much poorly informed debate. In the end, as legislators, we try to strike the right balance between entrenching in prescriptive legislation what we believe are community standards and allowing those we have appointed as judges to exercise discretion, having regard to the facts of each case. As Lord Kenyon said in the Trial of the Earl of Thanet and others in 1799:

In dispensing the criminal justice of the country, we have sometimes an arduous task to perform. It is not a pleasant thing, most certainly, to condemn any one of our fellow creatures to punishment; but those who are entrusted with the administration of the criminal justice of a country, must summon up their fortitude, and render justice to the public, as well as justice tempered with mercy to the individual.

The Hon. M.C. PARNELL (16:42): The Greens will also be supporting the second reading of this bill. It is always difficult to follow the Hon. Andrew McLachlan with his Shakespearean style, but I will inform the council that one of my very rare appearances on the stage was as a cast member in the jury in the Gilbert and Sullivan play *Trial by Jury*. I think Mr Acting President knows that piece quite well.

Members interjecting:

The Hon. M.C. PARNELL: I am not going to be baited by members of the government to sing it. In fact, it was my one and only singing performance on stage. I was never invited back for a return season. There are two lines from that play that stick in my mind. The first line is one that the chorus has to sing, 'From bias free of every kind, this trial must be tried,' and the other line is, 'Let the punishment fit the crime.' That is the segue into the Sentencing Bill.

This bill has had a long gestation. It came out at the start of 2016 as a fairly simple little piece. It was the Sentencing (First Principles) Bill. It was only seven clauses long and it only ran for 4½ pages. That bill was soon overtaken by a government decision to rewrite the entirety of our sentencing laws and so the Sentencing Bill, in draft form, was released for comment in 2016 and we now have the bill before us.

One of the difficulties that we have had analysing this bill is that, whilst the current bill is close to the draft—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Mr Parnell deserves to be respected and the conversation should be taken outside. The Hon. Mr Parnell has the call.

The Hon. M.C. PARNELL: Thank you, Mr Acting President. Whilst the current bill is close to the draft, there have been some changes made, including numbering changes, which can make it a bit tricky to reconcile the submissions to the earlier bill with the version as tabled before us. Suffice to say for now, the current bill is comprehensive. It has 128 clauses plus a schedule, and it runs to nearly 100 pages.

If I can summarise the issues very simply, I think it comes down to this: what must judges take into account when they are passing sentence? What are judges allowed to take into account? What are they prevented from having regard to? At the end of the day, will a new sentencing regime, as envisaged by this bill, mean that prison rates go up or do they go down? Will the incidence of crime in our society go up or down as a result of this bill? Will the community be safer as a result of this bill? For those who are subject to sentences of imprisonment and those who are subject to home detention or the new intensive correction orders, will they be rehabilitated or will the revolving door of imprisonment spin ever onwards as it has done for decades?

I am reminded of the valuable contribution that was made to public debate in this area by Judge Peggy Hora, who was the Thinker in Residence back in 2010. In her report, she said that she would recommend criminal law reform and an integrated approach to the triumvirate that drives the legal system. This was her simplistic look at it. Three things drive the legal system: drugs and alcohol, mental health and family violence. Of course, we can all think of a few more things than that but when you look at the stats, that is the triumvirate, as she calls it. She pointed out that rehabilitation saves money and saves lives. To quote Peggy Hora:

Unless we are putting somebody away for the rest of their lives, everybody in prison is coming back to us.

She also said:

We need to punish the ones we are afraid of, and treat the ones that we are just mad at.

I recall, in her final address at the Adelaide Town Hall, she also posed the question: will offenders come out of the criminal justice system better or worse people than when they entered it? These are all issues that go to sentencing.

What appears to be driving a lot of the government's reforms in this area relates to efficiency in case management and that is because this bill is linked with the indictable offences bill that we

have been debating here, and the problem of the backlog of cases in the District Court, in particular, seems to be in the driver's seat.

The idea is that, if you put more pressure on defendants to plead guilty early, this will avoid trial dates becoming vacated at the last minute, following a late guilty plea. As a result, we have this emphasis on early plea discounts. The government wants to encourage people to plead guilty early and that is why they have made sure that the best discounts, the biggest discounts, do not last too long. The government's fear is that if you keep the discount open for too long, the defendants will still wait until the last minute before taking advantage of it. I put the government's position to Ian Robertson, President of the Bar Association of South Australia, and his response was:

This is rubbish. The reason people wait is because they can't be properly advised. The large incentive at the front end promotes the buying of pleas, even absent actual guilt.

I do not want to talk in this contribution too much about the sentencing discounts for early pleas because we dealt with that at some length in the indictable offences bill and will, no doubt, deal with it again some more in committee, but I do want to talk about the role of sentencing as it relates to recidivism and as it relates to reoffending. One of the questions we have to ask ourselves is: what is the impact of locking people up on reoffending?

Interestingly in the Sentencing Bill, reducing rates of incarceration does not appear to be an objective of the bill. Of course, there are new sentencing options that provide alternatives to incarceration, including intensive correction orders, as well as existing options such as home detention. They may reduce the incarcerated prison population, but, on balance, my view is that the changes to the sentencing regime set out in this bill are more likely to result in more people being imprisoned, rather than less. I say that because of the bill's attack on judicial discretion and the removal of eligible considerations that might have reduced incarceration rates.

I rediscovered a little while ago a report that was put out by the government, entitled '10 by 20: Reducing reoffending—10% by 2020.' A strategic panel was created to write this report, and the Department for Correctional Services logo appears at the bottom of the front page. The strategic policy panel was tasked to investigate best practice in correctional services, policy and practice and to identify strategies that could impact and help reduce rates of reoffending, promoting rehabilitation and reintegration outcomes.

The strategic policy panel members are people who are pretty well-known to most of us: Mr Warren Mundine, Dr Lynn Arnold, Ms Amanda Blair, Professor Anne Edwards, Mrs Nikki Govan, Mr Mal Hyde and Mr Michael O'Connell, the Commissioner for Victims' Rights. Their report came out towards the end of last year. Its value lies not so much in its observations about sentencing, but in including some useful observations on recidivism and some of the things that go towards our very high incarceration rates. The strategic panel's report says:

There are many factors that drive the demand on prisons such as: demographic changes (e.g. population increase), government policies and sentencing practices of the Courts, which has seen longer sentences. In South Australia, the rapid rise in the prison population has occurred against the backdrop of an aging population and dramatic falls in the incidence of most major categories of crime. Imprisonment rates are not driven solely by conditions external to the criminal justice system, they are also strongly affected by factors such as legislation, policing, bail and judicial sentencing practices.

Clearly, the matters of substance in this bill go directly to incarceration rates. Again, according to the panel:

The South Australian prison system currently accommodates more than 2,900 prisoners in facilities that are operating near capacity. The projected prisoner demand shows that further investment would be required to accommodate growth in prisoner numbers. New prison infrastructure, without consideration of a reduction in reoffending, is anticipated to cost the taxpayer in excess of \$500 million.

The panel usefully produced a chart in this report, which basically shows an upward line in terms of the prison population. That is the sort of 'steady as she goes and business as usual' scenario—prisoner numbers will continue to rise.

Repeat offenders are responsible for a large proportion of South Australian crime. Again, a statistic that the panel highlighted was that, as of 30 June last year, 74 per cent of South Australian prisoners had been imprisoned before—three-quarters had previously served time in gaol. It will be

no surprise to members that the over-represented cohorts in this group included male offenders, young offenders and Aboriginal offenders.

One of the most remarkable statistics or trends is the growing South Australian prisoner population when overlaid with crime rates. We find that over the last 10 to 14 years crime rates have nearly halved, but incarceration rates have gone up by two-thirds. You have two lines that are growing further and further apart: the crime rate is dropping and the rate of gaoling people is going up. In some ways, it is remarkable. It has us thinking about the Monty Python sketch from the 1970s, where they talk about the best way to reduce the crime rate is to reduce the number of offences—and that sort of makes sense, because it is a linear thing. In this one we are reducing crime and increasing incarceration: it makes no sense.

We also need to consider the cost of the various sentencing options, because clearly what judges decide to do with defendants who are found guilty does have an impact on the public purse. Again, to quote from the 10 by 20 panel report:

Incarceration of offenders is expensive. According to the Productivity Commission, on average Australian prisoners cost the taxpayer \$292 per day, in a system that costs the nation \$2.6 billion in 2014-15. The average prisoner costs more than the average Australian's daily earnings—[which is] \$216 (including weekends) according to the Australian Bureau of Statistics.

Though the costs of maintaining offenders in prison is high...South Australia has the second lowest cost per prisoner per day, following NSW. In 2014-15 the annual cost to maintain a person in a South Australian prison was approximately \$96,326 annually, equating to \$263.91 per day.

That is far in excess of the average Australian annual earnings. I guess there are a number of ways of looking at that, but the first take-home message is: it is really expensive. It would be cheaper to pay someone full time to hold the hand of a person rather than to put them in gaol. Now, that is unrealistic and I am not suggesting that is what we do, because certainly there are some people for whom prison is the most appropriate place, for a range of reasons.

The question that arises from that is: with this new Sentencing Bill, with these new sentencing options, what is the impact on public funds? What funding arrangements will flow from changes to the sentencing act if this bill goes through? What additional funds, if any, will be provided to the Department for Correctional Services? If there is a reduction in people being incarcerated, will any of that money be reinvested into other programs—rehabilitation programs, reintegration programs, crime prevention and reduction programs? What will flow from this bill? The answer might well be, 'Wait till the budget,' but I am keen to know before we complete the debate on this bill.

The next question that arises is the effectiveness of prison in reducing reoffending—remembering what I said before, that three-quarters of current prisoners have been there before. Again, the panel in its report last year said:

The high cost of imprisoning people and of potentially building new prison facilities highlights the importance of finding new and innovative ways to address reoffending. This reality also demonstrates the need for sustainable and long-term solutions to the issues of punishment, deterrence, crime reduction, community safety and offender rehabilitation and transition back to the community.

They go on to say:

Overall, given the high reoffending rate, the current effectiveness of prisons to reduce reoffending long term is problematic.

That is probably not rocket science for most people, but the take-home message is pretty clear: just locking up people does not of itself prevent reoffending. It might prevent them reoffending for the time that they are locked up but, as Peggy Hora said, unless they are in for life, they are all coming back to us eventually, and we need to do better than that.

A further question I would ask the minister to address is: this report came out the end of last year, 2016, and the government has nominated the first half of 2017 for its response. The government says that it will respond to the report recommendations through the development of an action plan to achieve the 10 per cent reduction in reoffending by 2020. My question is: when might we see that response? Might we see it before we finish debating this bill? What, if anything, in the government's response relates to sentencing and to sentencing options? How will the government reduce reoffending and therefore the need to resentence offenders who reoffend?

I want to put on the record a few remarks about mandatory minimum sentencing. This is something that we have been debating pretty well every year for the last 11 years that I have been here. The Greens have consistently opposed interfering with judicial discretion and the parliament setting mandatory minimum sentences, but it came to light and to public attention recently with the fairly notorious case—and I use the word 'notorious' in the sense that it was on the news a lot—of the man who killed another person in a motor vehicle crash.

He was found to have been watching a DVD rather than paying attention to the road. This is the case of the wrestling DVD that was apparently on a dashboard monitor that he had in his car, which raises the issue of why on earth you would allow television-type monitors in the front of a car. I can understand kids watching something in the back on a long road trip, but why on earth you would allow that escapes me.

Anyway, on 4 May, not that long ago, District Court Judge Paul Muscat heard the case and had to determine what an appropriate sentence might be. There were two hearings a week apart, and I would like to refer to some of the judge's observations. I take my remarks from the online report of the ABC. Rebecca Opie was the reporter. On 4 May this year, she said:

A South Australian judge has described having to impose a mandatory minimum jail sentence on a man found guilty of death by dangerous driving, who he said was of otherwise good character, as 'disheartening'.

District Court judge Paul Muscat has heard sentencing submissions for Mitchell Deane Franklin, 28, who was watching a wrestling DVD when he caused a fatal crash on the Augusta Highway near Port Germein in June 2013.

Harvie Spencer, 86, was killed instantly when Franklin's ute rear-ended his car at up to 110 kilometres per hour.

The article goes on to quote Judge Muscat:

'There's no doubt Mr Franklin is a good man, he's a good son, a good husband to his wife and a good father to his children...

In every respect, apart from the commission of this serious offence, he's a good citizen.'

It goes on:

Judge Muscat said it was 'just extraordinary' that Parliament had 'seen fit to prescribe a mandatory minimum non-parole period for the offence'.

'Of all crimes one has to sentence for in this court, this is the one that troubles most sentencing judges because, more often than not, the offender is a man of otherwise good character,' he said.

'Yet four-fifths is the minimum non-parole period, which is not the case if I was sentencing a sex offender, a drug dealer, an armed robber.'

A week later, the matter is back in court and His Honour has to finally determine the penalty. Again, I am quoting from Rebecca Opie's online article, this time from 11 May:

Judge Paul Muscat described the task of sentencing a man who was otherwise of good character as 'no easy exercise', but conceded Franklin's offending was too serious to warrant a suspended sentence or home detention.

'No court can ever evaluate the worth of another human being's life,' he said.

'There are few crimes where the lives of so many are affected than causing death by dangerous driving.

And to think it could have all been avoided if you simply obeyed the road rules.'

The article went on, and the reporter said:

Judge Muscat said he was constrained by the mandatory minimum non-parole period of four-fifths of the head sentence required by law for the offence of causing death by dangerous driving.

The final quote from the judge:

'One can debate the utility of prescribing an 80 per cent non-parole period for this crime in your circumstances as opposed to other crimes perhaps considered more heinous in nature,' he said.

'However, Parliament creates the law and it's the court's duty to apply it.'

I put that on the record because all the laws that we have passed in this place in relation to minimum mandatory sentencing are reinforced in the current bill. The government has not had any change of

heart, it has not removed any of them, so they all still remain. As far as I am concerned, the Greens will continue to oppose them as they crop up.

I want to refer briefly to some amendments that will be tabled, hopefully, fairly shortly. With a bill of this magnitude and complexity it is tempting to take to it with the scissors but I have settled on two simple amendments: to reinstate into the list of sentencing considerations two important principles that have been deleted in the current bill.

In the list of sentencing considerations currently in section 10 of the Criminal Law (Sentencing) Act there were three things deleted from that section when the current bill was drafted. I want to put two of them back in. They are as follows: I want judges to be able to take into account the probable effect any sentence under consideration would have on dependents of the defendant; and, secondly, the catch-all provision 'any other relevant matter'. They are in the current law and they have been removed from this bill.

I mentioned Ian Robertson of the Bar Association and, in discussions with him on this matter, he makes the observation that there would appear to be no evidence to justify the removal of those provisions and, therefore, no mischief to which it is directed. Obviously, I am going to speak more about those amendments when we get to the committee stage, but I want to make the point about why taking into account the effect on the dependents of the defendant should be a relevant consideration, and that is to look at the rates of incarceration of children whose parents had been in gaol, whether it was one parent or both parents.

The statistics are quite remarkable. For example, there was one study that was done in the US that basically concluded that imprisoning a parent increases the likelihood of their children becoming incarcerated by up to six times. I am not saying that every defendant should be able to get out of gaol, if you like, or keep out of gaol by saying, 'You can't gaol me; I've got kids.' That is not going to fly in every case but is it something that is irrelevant? Is the fact that an offender might have children or might have ageing parents to look after completely irrelevant? Is it such a consideration that the judge must be precluded from taking it into account? I do not think so.

There are also recent reports in Victoria that support the findings of the US study. They suggest that incarcerating parents has profound, long-lasting and detrimental impacts on children. The impact could be that the children have to go into care or they lose their home or an elderly parent has to go into care. There are a whole range of consequences and I will go into more detail when we get to that part of the committee stage of the debate.

If we are serious about reducing overall crime rates, then it makes no sense to prohibit a judge from taking into account the effect that incarceration of a defendant might have on the people who depend on them. It is not a 'get out of gaol card' but it is a consideration for a judge who has heard all of the other evidence.

In terms of allowing judges to take into account anything else that is relevant, my question is: why not? Why can't they do that? What is wrong with allowing a judge who has heard some special, unique, unforeseen circumstance that may be relevant to sentencing from taking it into account? The government really has no answer to that question. If I look at what the minister said in the second reading speech in relation to this, the reform of the general principles of sentencing, he said:

The current Act contains a list of sentencing considerations. It is in s10. There is about 2 pages of it. It is just a huge list of everything that might be taken into account if possibly relevant (or not). It was an advance for its time. But it is not helpful, either to the courts or to the public. It is just a huge obscure shopping list. It is proposed that it be repealed.

If the government was serious in those words it would not have reinstated 95 per cent of it back into the bill. It is clearly a useful exercise. Originally, it was the codification of sentencing principles that judges had developed over centuries and were taking into account anyway. A couple of decades ago, they wrote them all down, they put them into an act of parliament and, under this Sentencing Bill, they are doing it again. They are still putting those things back in.

That is fine; I am not objecting to that. Most of the sentencing considerations are sensible. I am not even going to object to the primary consideration, which is keeping the community safe. That

will fly well with people. They will understand that, when it comes to gaol in particular, that is one of the things we want to do in incarcerating prisoners—keep the rest of us safe. I am not objecting to that. What I am objecting to is the removal of two of these important sentencing considerations, which effectively means judges will not be able to take them into account. If you believe in judicial discretion, you should believe in allowing judges to take all relevant matters into account, whether it is something parliament has thought of or not. I will hopefully get those amendments circulated fairly soon.

Finally, I would like to thank the members of the legal profession who have taken the time to write to me and to talk to me about this bill: Tony Rossi of the Law Society, Ian Robertson of the Bar Association and his colleagues Anne Barnett, Bill Boucaut and David Edwardson. I would also like to thank Will Evans of the minister's office, who has systematically worked through our concerns and has helped us work through the concerns of the Law Society and the Bar Association. It is probably fair to say he has alleviated some but not all of them. At least he has got us down to only two amendments. As I have said, for a bill of this size, there could have been many more, but I do thank him for his diligence in talking to us about our concerns.

With those remarks, the Greens will be supporting the second reading and we look forward to the committee stage, presumably in the next sitting week, when we can look at amendments that have been filed by the Liberal Party already and are soon to be filed by the Greens.

Debate adjourned on motion of Hon. J.E. Hanson.

**RETURN TO WORK CORPORATION OF SOUTH AUSTRALIA (CROWN CLAIMS
MANAGEMENT) AMENDMENT BILL**

Introduction and First Reading

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

At 17:12 the council adjourned until Wednesday 17 May 2017 at 14:15.