HOUSE OF ASSEMBLY

Tuesday, 26 September 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Parliamentary Procedure

STANDING AND SESSIONAL ORDERS SUSPENSION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:01): I move:

That standing and sessional orders be and remain so far suspended as to enable me to move a motion without notice forthwith.

The SPEAKER: A quorum not present, ring the bells.

A quorum having been formed:

The SPEAKER: An absolute majority present, the motion is moved. Is it seconded?

An honourable member: Yes, sir.

Motion carried.

Motions

CHAMBER BROADCASTING

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:03): I move:

1. That this house authorises the sound and audiovisual broadcast of proceedings of the house, including the estimates committees—
   (a) on the broadcast system within the precincts of Parliament House;
   (b) by webcast on the internet; and
   (c) on the Parliament of South Australia video-on-demand broadcast system, and by a live feed to persons and organisations approved by the Speaker.
2. The broadcast or rebroadcast of proceedings and excerpts of proceedings of the house, including the estimates committees, is authorised on terms and conditions as determined by the Speaker from time to time.
3. This resolution shall continue in force unless and until amended or rescinded by the house in this or a subsequent parliament.

The SPEAKER: Minister, would you like to make some remarks? It is not necessary, but you are free to.

The Hon. J.R. RAU: I will be very brief because I can see other enthusiastic people here are very keen to speak. It is fairly clear that we have got to the point now where there is a reasonable expectation by most citizens that they should have access, other than by means of their presence, to the deliberations of this parliament. It is consistent with openness and transparency in the provision of government and government services to the community and I think the provisions contained in this proposal strike a reasonable balance between that and the unnecessary intrusive observation of

members who are otherwise about their orderly business in the parliament. For those reasons, I commend the motion.

Mr GARDNER (Morialta) (11:05): It gives me great pleasure to support this motion and indicate that the opposition supports this motion. I am very pleased that the government has moved a long way in the six years since I brought legislation to this house requiring that the Joint Parliamentary Service Committee make available video recordings, directly streamed through the internet, to the people of South Australia so that they can see what goes on in this parliament, in this building, and so that they can see the laws that affect their lives being made. It is, in fact, a principle that the people of Yemen had access to the audio streaming of their parliament—let's call it a parliament—before the South Australian people did. When that was turned on about five or six years ago, we were very pleased that we were able to catch up to Yemen in regard to this important democratic principle.

Since this parliament first sat next door in 1857, the people of South Australia have had a right to come in and access the proceedings of the parliament in the public gallery because it is so important that democracy be transparent, open and accountable. It is a principle that South Australia has been a leader on, yet South Australia is basically the last place in the western world that has video streaming of the parliament. We are the last parliament in Australia. All the states and territories and the national parliament got there first.

This was a matter that was being debated in the 1980s and 1990s elsewhere, and finally, here we are in 2017. I note the member for Playford was Speaker when the government first talked about doing this nearly a decade ago, but took no action on it, made no movement on it. When I got here in 2010, I thought it was slightly unusual that my constituents were able to come in here if they had nothing else happening, if they were interested in an issue, whether it was euthanasia, whether it was the way the budget was being spent, or whether it was to see the government being held to account during question time.

I thought it was unusual that my constituents could come into the chamber and see that debate happening, see what their members of parliament were doing, but only if they had nothing else happening, only if they were able and mobile. That is helpful for my constituents, who mostly live within striking distance of Parliament House, but for any of the regional members' constituents it was inconvenient for them to get in unless they gave up days to come in to view the parliament. Their only opportunity at that stage was to wait until 4 o'clock the following day and read the *Hansard*.

Then, in 2011 or 2012, we had the audio streaming catching up to democratic luminaries like Yemen, and now we are catching up to Trinidad and Tobago, to New Zealand, to the United States and to the various parliamentary committees in Westminster, which are sticklers for tradition. It has taken them a while to get there. This has been happening all around the world. On the radio this morning I heard the Speaker talking about it in dulcet tones, backed up by the paragons of the fourth estate in Nick Harmsen and Mike Smithson, lauding its virtues, and they were right.

I am very pleased that we have reached this point. I commend the Speaker for helping to ensure that the government would make provision in the budget this year to enable this to happen, but it is something that should have happened a long time ago. We are pleased that the government has finally got on board. It is something this side of the house has, in fact, been clearly supportive of for a very long time indeed.

The SPEAKER: I now call on the Treasurer, who has had a difficult fortnight.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (11:09): Liverpool were successful against Leicester, sir, so I am not quite sure what you are talking about.

The SPEAKER: I am referring to the free kick after the siren for the West Coast Eagles and the one point defeat in the SANFL grand final, and his opportunity now to watch the Adelaide Football Club win the AFL premiership on Saturday, which I am sure he will avail himself of.

The Hon. A. KOUTSANTONIS: Yes, sir. It is no secret that you support so many clubs you almost cannot lose. First, I would like to pass on my regards to David Bevan, who is probably the only person watching right now. It is important that the parliament does broadcast the proceedings

of this parliament, and it is interesting to note the interjections of members opposite who cannot actually flick the whinge switch off. Even while we are actually making this parliament more available to the public they are still decrying government efforts. It just goes to show, again, that as we move forward the opposition knows only one gear, and that is whinge.

It is just remarkable that even at a moment when we are broadcasting for the first time across South Australia the first speech broadcast by a Liberal MP in this parliament is about whingeing.

Members interjecting:

The Hon. A. KOUTSANTONIS: Again interjections, showing the behaviour of members opposite and how they cannot even follow standing orders. In fact, I look forward to the proceedings of this parliament being broadcast so that all Liberal backbenchers become famous and so that we can all see the remarks they make late at night that they hope, in their heart of hearts, no-one ever sees; for example, when the member for Finniss interjected about our former prime minister, and other remarks were made that have been disparaging of members of this parliament. Now, once and for all, we will allow this parliament to shine a light on the prejudices the Liberal Party has in them.

Mr Gardner interjecting:

The Hon. A. KOUTSANTONIS: Of course it is important to note, again, that members opposite were heard in silence and here they are, we have been broadcasting for not even five minutes and they are interjecting.

Mr Gardner: Your interjections are homophobic and racist.

The Hon. A. KOUTSANTONIS: Homophobic and racist, there you are. It is just remarkable the depths to which they will go. Privilege is an amazing thing, as well, that members opposite enjoy, and I invite the member for Morialta to repeat his allegations outside the parliament in the pure light so every constituent in South Australia can see him back up those accusations that I am a racist or that I am homophobic.

He is shaking his head saying that he did not say those things: of course we just heard him say those things. It just shows how appalling their behaviour is, and that is why this measure, above all measures, will show exactly what the opposition is like.

Mr Marshall: We've read the Gillman report. We've heard the way you speak to public servants. We've all read the Gillman report.

The Hon. A. KOUTSANTONIS: It just goes to show, again, that the Leader of the Opposition's hypocrisy knows no bounds. While supporting a member of parliament who is facing serious criminal allegations to remain in this place, he calls on other members of parliament who are charged with serious criminal allegations to resign from parliament. That is the hypocrisy of members opposite, and that is what this system will show up, that hypocrisy. They say one thing outside the parliament and they say another inside the parliament.

This system will show them up for what they are. They are a barrier to new ideas, they are hypocrites inside and outside the parliament, they will say and do anything to win, and now this system will show them up for what they are. They are vacuous and they have no policies. They are offering no positive agenda forward for this state. Indeed, as we are opening this parliament—

Mr Marshall: The bill you are talking about was our bill; this was what we have been proposing for a decade.

The Hon. A. KOUTSANTONIS: Again, just yelling across the chamber is not a substitute for policy. We are implementing new changes to the parliament and all members are—

The SPEAKER: Treasurer, will you be seated. It is the first day of the new system. We could all turn over a new leaf. Obviously, the Leader of the Opposition has remarks he wishes to make, and he may make them when I call him.

The Hon. A. KOUTSANTONIS: Thank you very much, Mr Speaker. The unfortunate thing about the coverage of the parliament is that what the public usually sees are only snippets from question time. What they do not get to see are the in-depth debates, the work that members of

parliament do in private members' bills, the work they do in understanding how bills and legislation are made. They will be able to follow the debate of their members of parliament in the chamber now, and understand the reasons we have for legislating and the reasons others have for opposition of bills. It will improve the democratic outcomes for the people of South Australia.

The unfortunate thing about previously broadcasting only question time, when the media was only interested in coming along to see debate or sparring between one side and the other, is that it gave a very jaded view to the public about exactly what happens in this place.

Overwhelmingly, members in this parliament are committed to doing the right thing by the people of South Australia. This measure will allow South Australians to see the good work that we do and will inform them of what they want their members of parliament to be doing. It will help constituents to get involved in the political process. It will allow them to follow and track private members' bills that they may have asked or lobbied their members of parliament to move.

The SPEAKER: If the Treasurer would address the Speaker, that would make the camera operator's job easier.

The Hon. A. KOUTSANTONIS: I apologise, sir. The ultimate benefit this will bring is that it will give people who feel disenfranchised by the political process more of a say, more of an idea of how the process is occurring and, most importantly, keep members of parliament more accountable for their actions in this parliament. That is, if you say one thing in a community and do another in parliament, it is now more visible.

Mr WILLIAMS (MacKillop) (11:15): Everybody has seen that I just pulled a button off my jacket when I tried to button it up.

The SPEAKER: Well, you are excited, as we all are.

Mr WILLIAMS: Thank you, sir. I rise to congratulate the parliament on taking this measure. I totally agree with what my colleague the member for Morialta has said, but I do want to add a word of caution. He was glowing in his praise for the increase in democracy that will flow from this change. The parliament, obviously, has an incredibly important role in this state, as the body that makes the laws of the state. One thing I would hate the people of South Australia to think is that this is a great step forward in our democratic tradition, when the day-to-day working of government in the state is carried out by the executive.

Whilst the parliament is taking a great stride forward, there has been for a considerable number of years a great reluctance, particularly on this government's part, for the executive to become more accountable. I speak mainly of the freedom of information laws and their operation in this state. I have held for a long time a grave concern about the lack of freedom of information in this state, about the secrecy with which the executive operates.

I think we could very well take a large leaf, or even many leaves, from our cousins across the way in New Zealand. I did a study tour there some years ago and looked into their freedom of information laws, which are completely the opposite of ours. The presumption in New Zealand is that all the information held by government should be available to the people, and the only time it is kept secret is if there is some good reason, if to release the information would cause some specific harm to the state or to an individual. In this state, the opposite is the way that we operate, and the presumption is that information be kept secret and only under extenuating circumstances can the public have access to it.

I congratulate the parliament. Interestingly enough, I understand that we are live as I speak, yet we are debating the motion to give authority for that. Be that as it may, I congratulate the parliament on taking this step. I hope that in the not too distant future there is a serious review of the freedom of information laws in this state and that we do put some level of accountability on to the executive.

Motion carried.

Bills

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2017.)

The SPEAKER: The Deputy Leader of the Opposition.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:19): Thank you, Mr Speaker. I congratulate you on the passage of the preceding motion and trust that this will be very helpful in respect of the parliament in the future, together with the transparency, which is richly required.

I rise today to speak on the Statutes Amendment (Youths Sentenced as Adults) Bill 2017. Members I think should be reminded as to why we are here dealing with this legislation. In October 2016, a then 15-year-old boy caused the death of Mrs Nicole Tucker during an act of dangerous driving and was subsequently convicted of the same. This mother of two was the innocent victim in a horror crash, and I think comprehensively and universally the public were appalled.

The District Court treated, in the hearing of the matter in an adult court as distinct from the Youth Court, the then 16 year old and applied the law as necessary under the Young Offenders Act to prioritise and identify a schedule in that act for sentencing of youths. The decision that ultimately was handed down and the sentence that followed mid this year ordered that the youth be sentenced to imprisonment for a period of three years, four months and one week and that there be a non-parole period of 18 months. It was backdated to take into account a period in custody, and the consequence, which became very public, was that from mid this year this young man would serve a term of imprisonment but potentially not be able to apply to be released within 10 months.

Unsurprisingly, the public were responsive to significant media portrayal of this being grossly inadequate, and hence the question of whether a youth should have some special consideration in sentencing. What was missing from that immediate outcry were the circumstances that prevailed since this event had occurred in late 2016 and the continuous opportunity for this government to come clean about the circumstances surrounding the death of Mrs Tucker and, in particular, the circumstances surrounding the guardianship and consequential responsibility of the government in respect of this young boy, then 15.

The government were asked questions, with both the Attorney-General and minister Close being responsible for the guardianship of children under state care. Questions were asked, including: did she know that this boy was at large in a car, hoon driving on the major freeway, resulting in the death of this woman? Did she seek a briefing when it had been identified that this boy had been out in these circumstances and had caused this obviously consequential tragic outcome? What action had she taken about it? What explanation was there for this young man being out unsupervised, breaking the law, killing an innocent mother of two in those circumstances? Complete silence.

We would expect the Attorney-General, as he did, to deflect the matter: 'Look, we are not going to make any comment about what the department did or didn't do in respect of this boy surrounding this. The criminal matter is before the court.' Up until the middle of this year, when sentencing occurred, there is some basis for that, but I think they scandalously avoided the real question.

The real question is what the agency and the minister who are responsible for this boy should have been telling us in the department about what they were doing about it, or what they were failing to do, and reassuring the public about what they would do in circumstances where children under the guardianship of the minister—thousands of them in this state—should be home in bed, at school or, where appropriate, obviously complying with the law. They should not be out hoon driving, killing innocent people.

To rub salt into the wound—and I think the Tucker family has suffered a gushing wound as a result of the death of Mrs Tucker—the Minister for Education and Child Development came into

this parliament this year and she was asked to provide an answer to her question back in October 2016, which she had taken on notice. She was asked this question on 22 June 2017:

> Although the minister isn't going to tell us how long the 15-year-old youth was missing, will she tell the house if she is satisfied that the process that the department was to follow when a child goes missing was in fact undertaken in this case and the matter was referred to the police?

Do you know what her answer was on 22 June this year? 'I will take that on notice and get back to the chamber.' Well, guess what? Not a word. Here we are in the closing days of September and we have still not had a word from the minister responsible for this boy to explain to the house just those fundamental questions to give the people of South Australia some reassurance that the thousands of young children who are under her care are not out with an opportunity to repeat this type of despicable behaviour.

This young boy is in prison and he will be there for a number of months more, obviously, but that will not bring back Mrs Tucker and it will not give reassurance to the public that the government is activating a circumstance when a child for whom the government is responsible does not come home, goes missing, breaks the law, might steal a car or do other things, which is completely unsatisfactory and which they have turned a blind eye to.

We do not even know if this boy was missing for weeks before or whether the minister even gave a toss about him. It is completely unacceptable conduct on behalf of the government. We gave the government an option. Apart from coming into the parliament and giving us some reassurance about this particular case, we gave the government an option, as we did during the case of Mr Nemer some years ago, that the government and the Attorney-General in particular should exercise his responsibility and power, which is exclusively vested with him, to direct the Director of Public Prosecutions (DPP) to proceed with an appeal against the sentence, which of course is open to the DPP.

For members who are not familiar with the history of this, for a long time it used to be that only the defence could appeal if they thought the sentence was manifestly too harsh. In recent decades, we have modernised and changed the law and the DPP can also do that. He has a certain time frame to be able to consider that and to lodge an appeal if he thinks the sentence is manifestly inadequate. It is important to remember that because, although it is not something that we should ask the Attorney-General to intervene on if he does not do it, although he has the power to do it very often, we still think that is there for good reason as well; that is, when the DPP of the day may not have reasonably taken into account all the factors.

One of the practical things I think deficient in just having the DPP review this is that it is usually the DPP's office that has prosecuted these cases in the first place, and so asking them sometimes to consider an appeal and so on is not an easy fit. I have always been of the view that separate counsel should always look at cases when they look at an appeal because sometimes fresh eyes are important. Nevertheless, we vest in the statutory body, the independent DPP, the responsibility to consider if an appeal is appropriate, and we have a provision in the act that also says the attorney-general of the day can direct the DPP to do that.

To remind members who were not here, Paul Nemer pleaded guilty to discharging a firearm and endangering the life of Mr Geoffrey Williams. Mr Nemer, using a gun owned by his father, shot at the delivery van operator, who sustained a head and eye injury. Mr Nemer was sentenced to three years and three months imprisonment with a non-parole of two years. The sentence was suspended.

Unsurprisingly, there was adverse public comment, as there has been in the Tucker case. The attorney-general of the day, Mr Atkinson, now our Speaker, was on radio on the day of the sentence defending it and saying that it could not be appealed. Later, he claimed that the DPP could not be directed to appeal. He then claimed that the appeal would be a waste of money.

However, the then shadow attorney-general, Robert Lawson QC, consistently claimed that the sentence had shocked the public conscience and that the attorney-general should direct the DPP to appeal and had the power to do so. The refusal of the attorney-general of the day, Mr Atkinson, to do so was responded to by Mr Lawson with, 'That is an insult to the people of South Australia, yet it won't pursue an appeal in this matter.'

Subsequently, the attorney-general stood down pending the Randall Ashbourne scandal and attorney-general Holloway assumed the role. Attorney-general Holloway, acting in that position, directed DPP Paul Rofe to appeal. The appeal was successful and a further sentence was imposed. To conclude the background to this, Mr Nemer's counsel lodged an appeal to the Full Court, claiming that there was no power to direct the appeal and that the power should be confined to the imposition of guidelines.

Prior, Ann Vanstone J dismissed the appeal, with the chief judge dissenting, but there was clear legal mandate for the proposition that the attorney-general did have the power to direct the DPP, and in this case it was ultimately exercised. Thank goodness for acting attorney-general Holloway, who agreed, probably under huge public pressure, to do so. The appeal was granted, the sentence was extended and that matter was dealt with.

In the 14 years since that time, certainly I have not, as shadow attorney, called for intervention in this manner in a case such as this, but in this instance I did. I made it perfectly clear in June this year after the sentence that, if the DPP did not appeal, the Attorney-General should direct him to do so. I made it quite clear, in stating that an innocent mother was killed by this young man's reckless hoon driving, that while the young man's chances of rehabilitation should be considered in sentencing so must the need to protect the public and to punish him for a crime that can never be reversed. There is nothing we can do to bring back Mrs Tucker.

Those are the options we gave the government in light of their scandalous silence in explaining why this boy was even out at large committing this shocking offence, that there was an opportunity and a legal course of redress for the DPP to appeal and at least that opportunity may have, as it did in the Nemer case, provided some reassurance, I suppose, to the public that the legal process is there and that for good reason should be instituted for the purposes of protection in these tragic cases.

The government's answer through all this was ultimately, about two or three weeks later, to come to the parliament and say that the way they are going to deal with this is not to direct the DPP to do anything. They are going to introduce a bill, which will amend the Sentencing Act, to say that in cases where a youth is tried and dealt with in a superior court—in an adult court, in a District Court or in the Supreme Court where these are usually prosecuted—then he is going to be treated not under the sentencing law that applies to young people but under adult law.

At first blush, you would think, for the really serious cases where there has been a pattern of previous serious criminal misconduct, where there has been no response to otherwise effective rehabilitation programs, where there is a consistent behaviour that suggests that the serious legal misconduct and criminal offending are going to continue, why should somebody who might be 17 or just under the age of 18 not be treated as though they were an adult?

There are a number of reasons why we have a different set of rules for children in all sorts of areas. We do not let them have sex, we do not let them marry, we do not let them vote and we make them go to school. There are a whole lot of laws that we apply to children because of the fundamental recognition that children are not adults and do not have the same cognitive development as adults.

That is why when youths commit serious offences or take part in illegal conduct they frequently demonstrate what children suffer from at that time—that is, they have not developed the requisite moral reasoning, such as prudence, empathy, self-regulation or the cognitive brain development of the frontal lobe where higher mental processing is carried out, such as problem-solving, judgement, impulse control and planning, which renders them incapable of making adult decisions.

The data that supports these assertions is universal. That is why every civilised country in the world signs up to recognising that in certain areas children should be protected, that they ought not have imposed on them decision-making that adults are capable of making and that they should be dealt with differently in a number of categories.

It does not mean that all children are irresponsible or act in an immature manner all the time. Quite obviously, we have a number of teenagers who, I hope, represent many of the families who

are in this chamber. With good family support and a good education, children grow up in an environment where they might break a few rules and they might disobey their parents from time to time, but they are good, decent citizens and they are on their way to contributing to our society as we want them to in the future and living fulfilling lives.

It is not to say that every child once they turn 18 suddenly has a light bulb moment and becomes mature and responsible and ensures that they act in a manner we expect of adults. Clearly, there are situations where people turn the age of 18 years and they are still immature and they still do stupid things and they still make decisions, particularly with the intent of committing criminal offences, which are totally unacceptable.

Our society says, 'You're 18 or more and you have grown up, and if you haven't grown up you're going to take the consequences of that.' That is fair. That is why we have a separate set of sentencing laws to protect them and also to ensure that we recognise that, when dealing with a lack of maturity and the lack of cognitive development, imposing adult sentences does not always have the best outcome for children.

Long gaol terms and lack of rehabilitation are, frankly, symptomatic of a lot of our adult prisons, where there are grossly inadequate rehabilitative programs. Obviously, we want children—as we do with adults—to be rehabilitated where it is possible. That is an advantage because eventually they get out and eventually they live next door to somebody and we have to deal with them. But are we going to lock up every 15 year old until they are 65 or 70 or dead because we are going to start treating them as adults? That is what this bill is actually asking us to do: to remove the distinguishing legislative protection recognising children's cognitive development and abandon that and bring in legislation that will require that all of these children be dealt with.

As I said to my own party room on this—and I have said it publicly—it is always very disturbing to me to go to the children's prisons (we have two campuses now). I remember my last visit to the Magill campus—it was probably the most penetrating. It was when a young 12-year-old boy was charged and awaiting trial for the alleged murder of his father. To all intents and purposes, he looked like any other 12-year-old boy. He was doing some artwork and was a decent kid on the face of it. He obviously got caught up in very difficult circumstances. I am sad to report that, of course, he is now paying the price. He has actually been in custody.

We have to understand that very serious offences—murder obviously being near the top of the list—are a very serious thing. So is hoon driving, in which you kill somebody on the road through reckless indifference to whom you might harm through that lunatic type of behaviour. It concerns me that we are going to put in an automatic provision that the trial judges in the District Court or Supreme Court are going to have to apply adult law to all of those who are determined to be tried in an adult court, whether it is because it is a serious offence, or whether there are security issues, or whether there are other adults who have been charged and there is a juvenile involved and it is appropriate that it be dealt with in an adult court, or the sheer physical assize and history of an accused. There are lots of different reasons why cases are heard in superior courts.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: You say that, but—

The Hon. J.R. Rau interjecting:

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: You can get your turn, alright?

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: You came in here, Attorney—

The DEPUTY SPEAKER: Order! The deputy leader has brought back to the bill a contribution that has gone on for quite some time, and we are all listening very intently to it.

Ms CHAPMAN: Thank you. The assertion that has been put by a number of stakeholders in this area in relation to cognitive function identifies that repeated contact with the youth justice system is often impaired by childhood experiences, neglect, physical and sexual abuse, difficulties

and early disengagement from school, mental health issues, repeated breakdown of foster care placement and exposure to drug use within a family unit and extended social networks.

I do not think there is anyone in this house who would be unsympathetic or would not have even an understanding of this. We all have constituents who come to us in circumstances where they touch on child protection or truancy from school, etc., where there is a very great need to assist families, or what is left of a family in some instances, to help protect and nurture and give children some opportunity in their future.

If we are to follow a process now with this bill and throw that out, many of the stakeholders would find that unacceptable. The people who have put submissions to me, which I think have been very powerful, which includes the Law Society of South Australia, and more particularly the Children's Law Committee, are practitioners experienced in supporting a cohort of young people that the bill is targeting. They have raised, I think, almost disbelief, but great concern that our commitment in this area could be undermined as a civilised society and the important recommitment by us, as legislators, to understand the developmental process of children's brains essentially up until the age of 25 years.

They also point out, and this is a matter I raised during debates on the recidivist young offenders legislation, which we also opposed in this house and which, incidentally, passed and which, incidentally, has been reviewed and which, incidentally, has comprehensively failed to create a situation for recidivist young offenders—the really bad kids in the sense of continuing to offend—to give them these extra punitive provisions. It has not worked. We did not think it ever would.

I can recall Justice Hora coming here as then premier Rann's thinker in residence, a leading world expert, apparently, on juvenile crime from the United States. She wrote a report while she was here and she reaffirmed that this type of approach was clearly not the way to go. She recommended strong supervision of young people—not just leave them to, perhaps, a parole officer or a probation officer once a week, dropping in to see them or seeing if they are going to school or giving them a phone call—strict supervision by a judge.

We raised the United Nations Convention on the Rights of the Child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice during those debates, and I will again today. Article 3.1 of the convention states:

> In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Furthermore, according to the Beijing Rules, 17.1(d), the wellbeing of the juvenile shall be the guiding factor in the consideration of her or his case.

Article 40.1 of the UNCROC makes it clear that community safety is a relevant factor in sentencing and states:

> States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

This bill essentially undermines the fundamental principle of proportionality and abolishes, in fact, that principle by requiring a sentencing court, under the Criminal Law Sentencing Act, to set mandatory minimum non-parole periods for murder to 20 years for youths sentenced as adults and mandatory minimum non-parole periods of four-fifths the length of the sentence of a serious offence against the person as required by 32(5)(ba) of the same act.

We want some answers to some questions in relation to the applicability of that, because it seems, on the face of it, that is the case and it is very concerning if that is thrown out. This is all as a result of one case in which this government had fundamentally failed to protect and supervise a child who then went on to kill an innocent woman, and failed—specifically, the Attorney-General—to even direct the DPP to review that matter. All because of that.

The Hon. J.R. Rau: That's false.

The DEPUTY SPEAKER: Order!

Ms CHAPMAN: It is also noted, and I will remind the government that commissioned this report, that in the 2000 report of Monsignor Cappo, To Break the Cycle, at page 43 he recommended that both community safety and rehabilitation of young people needs to be assertively pursued. Also, that any strengthening of the objectives of the act, taking into account community safety, should only occur in the context of stronger focus on rehabilitation. This bill is clearly inconsistent with that recommendation. I appreciate that the new Minister for Police and new Minister for Correctional Services has really only been in the role a fairly short time, but he will soon realise that his gaols are full and that there will be a lot of matters that he will need to attend to.

In relation to juveniles—which is the responsibility specifically of another minister—and their incarceration in particular, if we break down this barrier with this bill and insist that children in these circumstances are sentenced as adults, we are breaking our commitment as a civilised community, we are breaking our commitment to the United Nations rules, the Beijing Rules, and also the Cappo report, just to name a few.

In relation to the likelihood of this making any difference to children—and the Minister for Correctional Services can note this, because these children are going to end up in his prisons—when they turn 18 and they are sent over to the adult facilities, he is going to inherit them. He needs to understand that unless we invest in the rehabilitation of these children early and make a serious investment in that, as recommended by Monsignor Cappo, then it is a complete waste of time us locking these children up.

In fact, I would hazard a guess that they will turn out even worse when they do eventually get out, unless of course the government is intending to hold them there forever, in which case I will remind the Minister for Correctional Services that his government passed a law in recent years to allow for the supervision, through a panel, of the paroling of prisoners, and they do eventually get out. This is unlike the Rann government, which locked up a whole lot of people and kept them locked up, because they were too afraid of the public outrage at serious offenders being let out.

There is a process in place now, minister, and you ought to be reminded of it. Your government has passed a law that says these people will eventually get out. You have an obligation in your government to make sure that they are fixed up along the way.

I turn to the submissions that have been presented to us by other stakeholders, which are not represented by the Law Society. I am conscious of saying this because of the disgraceful remarks the Attorney-General has made with respect to the Law Society. I think he associated them as having some self-interest objective, as though they were some kind of union for plumbers. They are appalling public statements against a society that is working hard, obviously, to protect the legal interests of the citizens of this state, which under the current performance of this government have been blatantly ignored by them keeping the most disgraceful bureaucratic bungles a secret from the people of South Australia.

However, let me go on, because there are plenty of other people who have lined up to say that it would be an erroneous path to take to progress this bill with the simplistic mantra that if they are going to be tried in an adult court they need to be sentenced as an adult. That sort of simplistic position to suggest that this is the redress for the Tucker family has not come with support from other stakeholders.

I will start with the Guardian for Children and Young People. I point here to other ministers who have responsibility for these bodies—minister Bettison, minister Close and others—because these are people you have appointed. These are people who have a statutory responsibility—some arising out of the Mullighan inquiry, some arising out of the extra powers under the Nyland inquiry and other reviews in the time I have been here in the parliament—to present reports to the parliament which I, at least, read with interest every year. I value their advice.

Obviously the government does not take a lot of notice of them because they are frequently ignored, but these are people you have appointed, you have set up, with your public mantra of caring about children and the need to protect them. Frankly, your complete indifference to their advice on these matters is concerning, especially when it is so comprehensive in the rejection of this option that the government has chosen to camouflage its own incompetence.

The guardian for children is now Ms Penny Wright, and I will summarise her position on the cognitive development aspect and the clear research to understand that young offenders are not adults and therefore should not be treated as adults and the horror expressed in her submission to the government and in public statements at the position we would be presenting and the reflection on our reputation if we were to completely ignore a United Nations convention that we had signed up to. In August this year, she presented to the government an excellent paper entitled 'Looking for balance: a response to the Statutes Amendment (Youths Sentenced as Adults) Bill 2017'. I commend it to all members because it is comprehensive and outlines the significance of what is occurring with this legislation, which she urges the government to abandon.

Then of course we have the submission from the Youth Council (YACSA), a peak body representing the interests of young people, again reiterating those concerns. The Aboriginal Legal Rights Movement was very concerned when they first wrote to me about this issue, and I read a submission that they presented to the Attorney-General, again saying that they simply could not endorse this bill for a number of the reasons I have raised. Members, I hope, are familiar with the fact that not only are young Aboriginal people disproportionately represented in youth crime but young Aboriginal males are sometimes the subject of the juvenile justice process.

I can remember coming to this parliament 15 years ago and being on an inquiry with the member for Heysen. I recall that the Hon. Bob Such was involved in this inquiry into juvenile justice and sadly, from 20 years before in courtrooms, not much had changed: the over-representation of poor male Indigenous South Australians was as bad as it ever was. There are lots of reasons for that and we are not going to go into them today. Suffice to say, if this legislation passes with the blessing of this parliament, the people most likely to be adversely affected are young Indigenous offenders.

I do not know how many reports you, Madam Deputy Speaker, have read on access to justice and the appallingly disproportionate statistics of Indigenous children who are incarcerated—too many, indeed. I am sure other members have read them too because it is always quite a disturbing account and it does not seem to be improving. I know that the Law Council of Australia are very active in this area. They are trying repeatedly to put submissions to the Prime Minister.

He has made certain announcements in respect of this, but here in South Australia, in this space, I do not understand why the government, which purports to care about Indigenous South Australians and about helping them get employment and have successful and fulfilling lives, is not active in this space in ensuring not just that these children are not in our prisons and might come out and reoffend and the like but also that they can make a productive contribution to our community.

Cheryl Axelby, who is in charge of the ALRM and I think does a sterling job, has put excellent submissions. Again, they appear to have fallen on deaf ears. If the rest of the government have read any of these submissions, surely the Minister for Correctional Services and the minister in respect of children's rehabilitation in custody would have acted, but it seems that they have not, and the rehabilitation so that they might have a law-abiding and fruitful life has been utterly abandoned.

The people who have to deal with these young people on a regular basis are people who have comprehensively said that this is not the way to go, urged the government to reconsider, and that has fallen on deaf ears. As disturbing as that is, that is the position the government is going to push ahead with in any event. I should mention that Judge Penny Eldridge of the Youth Court has also written articles about the importance of dealing with serious repeat offenders in this space in her court, but also to ensure that there is an investment in rehabilitation.

I want to say something about the consultation in respect of this bill because whilst the Attorney introduced this bill back on 5 July, after the hearing and sentencing in the Tucker case, the government then went into overdrive in respect of the commentary surrounding the death of Ms Paveley, which was a subsequent death on the road involving multiple young people. The only person who was charged with her death was an adult. I want to say that again: the only person charged with causing her death was an adult.

There were four other children, I think between 13 and 17, who were implicated in respect of the circumstances culminating in her death and they were charged with other offences, not with causing death. I think they were charged with stealing a car and other serious offences but,

nevertheless, at no time during the explosion of media around this did the final prosecutions involve a juvenile in respect of charges of causing death or manslaughter or murder or anything of that nature.

The reason I want to mention that is that when the government decided, apparently some time before last Friday, that the Attorney-General's office was going to add some amendments in to make the wording absolutely clear, of which they forwarded a copy to me, of course I asked for a briefing. At 8.30 on Monday morning, yesterday morning, I was given a briefing about these amendments: why they were necessary and what the government was going to try to do. I asked the question: are there any other juveniles, youths, currently scheduled to be tried as an adult that this bill would otherwise affect?

Do you know what the first answer was? The first answer was the Paveley case. I said, 'Hang on a minute. No juvenile is charged in that case with causing death. There is an 18-year-old man who is charged, who is going to be treated as an adult and sentenced as an adult. Fine.' 'Oh, yes, you're right. That's not right.' I said, 'Look, I want you, as soon as you can today, to go away and check whether there are any other cases that are before the courts that this legislation might apply to, especially as you are proposing to introduce an amendment which provides for the transition, which clearly was designed to capture any pending cases.' Yesterday afternoon, I received an email, which said:

> In respect of query 1, we are advised from SAPOL records, one youth is currently before the court (based on this request for information, 'How many youths are currently before the court for sentencing that the court has declared they will sentence as adults?').

In fact, my question was slightly different to that. It was to declare those in which they are being tried as adults as we speak. Nevertheless, I think the gist of it was not lost in translation.

Apparently, as of yesterday afternoon, there is a youth in the court at present—I assume in the District Court or Supreme Court—who is on their way to being sentenced, and if this law passes, it could affect that case, especially because of amendment No. 2 which the government has announced it will progress. Amendment No. 2 is to provide a transitional clause which, as we say, is to presumably capture any youths currently charged and awaiting sentence.

Why is it that the government at 3.20 yesterday afternoon suddenly found a case via SAPOL—I assume via their prosecutions unit—that involves a child who will be captured by this case, and we know nothing about it? I am appalled that we should get this information at the eleventh hour, especially when the government was keen to introduce a transitional clause in these amendments that they have foreshadowed in the full knowledge that there is a case there and that we are going to be passing a law that is going to affect that case. Why shouldn't we know about it?

Why has this government gone into overdrive on the concealment and secrecy surrounding matters which this parliament should not only be privy to but which should be coming into the parliament to make sure that we fully understand and know what we are making decisions on in this place because these laws affect people's lives? I find it completely unconscionable that we should have this last-minute information, which is grossly inadequate, from the morning. It is not a reflection on the two people who were there because clearly they identified they were not even familiar with this bill when they were sent down to provide a briefing.

This eleventh hour information has come to us as the basis of an amendment to insist on having a transitional clause. It is an approach that is increasingly common. I have been in this chamber for 15 years, as has the member for Heysen, and we have dealt with numerous law and order matters on legislation here between us, and the behaviour of the government in keeping these things concealed is just appalling. It is not a one-off; it has become a form of behaviour which is repeated almost daily. I am disgusted by it. I will not put up with it and I do not think anybody else in this chamber should put up with it.

I conclude by saying that the opposition will not support this bill. We have tried to look at other ways as to how we might better secure the treatment of conduct of serious repeat offenders. We did not accept the government's recipe last time they came into the parliament with an idea, and that has comprehensively failed. Recent publications of Judge Penny Eldridge in the Youth Court

tells us that she is undertaking some trials on various things that she is doing, and we are keen to have a look at those.

We asked for a report on a boot camp-style trial that the government had done, which concluded about six months ago, but we are not allowed to view it. They will not let us look at it. We are always here and available to consider worthy proposals to deal with the problem in our community, and if it requires a legal response, we are open to look at that. But at this stage, the chief judge of the Youth Court is saying, 'Yes, we need to do more.' She is not endorsing this, I might say, but she is saying there are some trials underway which are showing some good signs.

That is great. Let's hear about them. Let the government come forward and tell us what they are. If they work, sure, we will support them to invest in that, but do not introduce a kneejerk piece of legislative reform, which is the usual lazy way the government deal with things: change the law, crank up the penalties, change the application, capture more people and make it easier for the police to prosecute. These are the features of the government's way of dealing with law and order: not being flexible in introducing proper rehabilitation and dealing with these cases in a manner that reflects the circumstances of individual cases without throwing all children out with the bathwater, which is what this bill will do.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge that at the beginning of your contribution this morning, deputy leader, we had in the gallery as guests of the member for Colton a group of students from year 7 at the Mawson Lakes School. I do hope they enjoyed their time here with us this morning.

Bills

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Second Reading

Debate resumed.

Mr KNOLL (Schubert) (12:10): I also rise to oppose the Statutes Amendment (Youths Sentenced as Adults) Bill 2017. In doing so, I want to take the parliament on a path of how this process is used currently and then what the government is seeking to do and to change as part of this amendment bill. Youths, when charged with crime, get dealt with in a very different way from adults through the Youth Court. There are separate sets of penalties. There is a separate set of objects and sentencing guidelines that deal with how we approach youth sentencing given the fact that young people, those under the age of 18, are very different to adults in the way they conduct themselves. They are very different in their level of emotional maturity and they are very different in their level of cognitive reasoning.

There is a reason why we do not allow people under the age of 18 to vote. There is a reason why we do not allow people under the age of 18 to volunteer for military duties. There is a reason why we have a threshold for when young people can drive, have sex, get married or do a whole host of other things in relation to their own wellbeing, especially in relation to parents and the parental role in the lives of young people, and parents and guardians being responsible for children up until the point at which they turn 18. This in turn is reflected in the way our court system deals with offending by young people. It is why it is entirely proper that we have a separate Youth Court, a separate structure and a separate system via the Young Offenders Act as to how we deal with young people in our system.

There are circumstances under which youths can be tried as adults, and those circumstances are extremely broad. I look here at the factors that must be taken into consideration: the gravity of the offence with which the youth is to be charged, if the offence is part of a pattern of repeated offending, if the youth is a serious firearm offender, the degree to which the youth has previously complied with any undertakings imposed by the Youth Court or any bail agreements, the behaviour of the youth during any previous periods of detention, and, where they have previously been released on licence, the degree to which they have complied with the conditions of the licence.

That is extremely broad, an extremely broad set of circumstances in which young people can be tried as adults. The act goes on to talk about homicide and manslaughter as cases where youths will be tried in a superior court, but it is not limited to those things. It is not limited to those serious violent offences for which the public would consider that youths need to be tried as adults. The descriptions that I have just read into *Hansard* are much broader than that.

When we look at changing this system, looking at where we are going to try youths as adults and now, under this amendment bill, sentence youths as adults, we are not just talking about those who are alleged to have committed serious violent offences: we are talking about a much broader set of circumstances. It is why, in this case, with this kneejerk reaction the government has had, they have sent a sledgehammer to crack what otherwise should be a walnut. I think what they have done is that, in trying to fix a very specific problem, they have brought a very broad solution to the parliament.

If we are to look at more specific proposals around youth sentencing as adults, then we need to make sure that they are only limited to those circumstances that the community feels are most appropriate. The objects of the Young Offenders Act outline that when imposing sanctions on a youth for illegal conduct 'regard should be had to the deterrent effect any proposed sanction may have on the youth'—a very important consideration. It is there as the first object in understanding, when we try to sentence youths, what the number one effect is, and that is: to what extent is there a deterrent effect that this sanction will have on the youth offender? Paragraph (b) states:

> (b) if the sanctions are imposed by a court on a youth who is being dealt with as an adult (whether because the youth's conduct is part of a pattern of repeated illegal conduct or for some other reason), regard should be had to—
>
> (i) the deterrent effect any proposed sanction may have on other youths;
>
> and
>
> (ii) the balance to be achieved between—
>
> (A) the protection of the community; and
>
> (B) the need to rehabilitate the youth.

When reading those objects, one would consider that that is an appropriate way to deal with those who do not have full emotional maturity, cognitive reasoning, and those who are learning to become adults in an adult world. What we see here in this amendment bill is it makes the paramount consideration outweigh any other consideration, object or policy, including the object and statutory policies referred to in subparagraphs (i) and (ii) and the need to rehabilitate the youth.

Essentially, the government wants to throw all of that out of the window in every single case where youths are tried as adults. We would say that that is far too broad. If we were merely talking about the most serious and heinous of crimes then that would be different, but we are talking about something that is extremely broad, and it is dangerous. The reason why is that we are talking about young people at a stage of their life where we have the ability to intervene in their future behaviour.

We are talking about young people, mostly from difficult circumstances, where we have a choice about whether or not we try to ensure that they are fully functioning members of society who contribute to society who, through better preventative efforts and better rehabilitative efforts, can actually go on to be fully contributing members of our society; or, we can turn them down a path where we are going to see increased repeat offending, we are going to see increased violence further down the track, and we are going to see a less safe community as a result.

That is why we stand here and oppose this bill—because we believe that is going to lead to worse outcomes, not better. If we were in this parliament and the Attorney-General was discussing ways in which we were going to help divert young people from lives of crime and violent offending, then let's have that discussion, but that is not what is being advanced. We need to look at ways to make those interventions.

I have recently been out looking at community and non-government organisations who work at that coalface and do the very difficult work with people who have not had the benefit of good upbringings, who have not had the benefit of parents who were there to guide them and teach them the lessons that needed to be taught. These are people who have witnessed and seen crime

themselves, whether that be abuse of their parents, abuse by their parents, drug taking, alcohol abuse, or various forms of violent offending. Much work needs to be done to divert those people back to normal functioning in society so that we can have a safer community, and so that we can prevent these crimes from happening in the first place instead of just trying to be the ambulance at the bottom of the cliff.

We are open to other approaches. We are open to working together to make our community safer but, for the various reasons that the member for Bragg (the shadow attorney-general) has outlined, this is not that bill. As the shadow attorney has outlined, there are significant concerns and significant deleterious consequences as a result of passing this piece of legislation, so we must, as a matter of good conscience, oppose it; however, we will work constructively to make sure that community safety is at the heart of what we are seeking to do, and we will make sure that the best interests of all South Australians are very much in our minds as we make decisions on these very difficult pieces of legislation going forward.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:19): I would like to say a few things about this provision and what we have heard today. In reverse order, the member for Schubert made a sterling effort of making a silk purse out of a sow's ear. It was fairly clear to all of us that he was struggling to find any form of plausible explanation for the position he is adopting. As for the member for Bragg, as usual her contribution was replete with nonsense, half-truths and rubbish, and I will go into that in a little more detail shortly.

Something struck me the other day. I was at home, watching the television. I am not sure about other people, but my TV has a lot of rubbish on it. I have to keep flicking through the channels to see if there is anything worth looking at, and quite often there is nothing at all. I stopped the other night because something came on that did bring me back to this place in a way, and I will give you a few clues about what it was. It was on one of those channels towards the higher number end.

I will give you a few names of some of the people who were on this channel (and this is a bit of a test for members, to see if they can pick up on what I am talking about) to see if you can identify what show I finally got onto. They were: Randy Orton, the Undertaker, Roman Reigns, Bray Wyatt and Dwayne Johnson. Do those names mean anything to anybody here? Possibly not. The show is called *WWE SmackDown*. Occasionally, they interview these people and they make contributions. You can imagine the sorts of contributions they make: they are high on hyperbole and low on relevance or content.

It was at that point I thought, 'I've seen this before. This is the member for Bragg.' This is the level it has got down to, the sort of contribution we get. Really, it is actually embarrassing—the use of the word 'unconscionable', which from the member for Bragg is like using a comma or a form of punctuation that you litter every sentence with, or the demeanour of constant indignation, which appears to overtake her every time she is in this place, and the fact that she is always affronted by something. It is very difficult to have a civilised conversation with somebody who approaches it constantly from that particular perspective.

The proposals in the bill are a reasonable and measured response to legitimate community expectations about a small number, I emphasise, of very dangerous individuals who, if at liberty, represent a significant risk to the safety of other citizens. In particular, other law-abiding citizens. The decision as to whether or not a youth would be affected by these provisions is not made by me. It is not made by this parliament. It is made by the court.

The bill does not seek to change the test as to whether a person is a serious young offender and therefore should be tried in an adult court. We are not touching that test. That test remains entirely in the hands of the court, as it presently is and should be. All we are saying is that if an offender meets that very, very high threshold, then that offender should be sentenced as an adult.

I want to deal with two completely bogus propositions put by the member for Bragg and the member for Schubert, first of all that it is very easy for somebody to wind up in these circumstances—false. We have not changed the test for the type of young offender who could be tried as an adult.

We have left that completely undisturbed, and it would be unusual for more than a couple of young offenders to get into that category in any given year. This is not opening the floodgates, and we have not touched that test, so the member for Schubert's observation that it is easy for somebody to fall into this category is completely false. It is very difficult for somebody to fall into this category, and they do so at the behest of the court, not the parliament, and we are not changing that test—point No. 1.

Point No. 2 is that just because they are being sentenced as an adult does not mean that a particular youth and another particular adult charged with the same offence would get the same sentence. It just means that the sentencing principles are the same and, in particular, that the safety of the community is paramount. That does not mean that no consideration is given to rehabilitation.

It does not mean that no consideration is given to training or other forms of, hopefully, remedial activity, but it does mean that, if this young person is so dangerous to other members of the community that they warrant being tried as an adult, and the court hearing the evidence determines that they represent a significant risk to other members of the public, they may use that as the primary consideration in sentencing that youth.

The government makes no apology for this. The position is that the government at least has been very carefully listening to the public outrage about two recent horrific incidents on our roads—the first one: as it turns out, the driver of the vehicle appears to have been an 18 year old, so this does not necessarily affect that case in any way; the second one: as I understand it, the driver of the vehicle was a youth, and this bill may affect the sentencing principles in the event of that individual being dealt with by the courts in an adult court. We make no apology for that.

What I would like to ask the opposition is: have they have paid any attention at all to what the public thinks about this? They are in here wringing their hands saying, 'Oh, we can't do this. We can't do this.' What we are saying—and let me be very clear about this—is that if a youth is tried as an adult and determined to be so seriously out of line that the court's determination that they be tried as an adult—not mine, the court's—and the court is of the view that there is a risk to public safety about that youth, that will prevail in sentencing considerations, just as it would if they were an adult. I am very happy to defend that, very happy indeed.

We are not walking away from a commitment to youth justice. We are not walking away from any commitment to young people being given every opportunity to rehabilitate themselves—that is fine and it is appropriate. But in exceptional cases, to be determined by the courts, if a young person represents a serious risk to the community, the courts should have the capacity to protect the community from that individual. That is what this is about.

This is about public safety. We are putting public safety first. It is self-evident, from what has been said by the member for Bragg—although she has thrown as much confetti into the air as she possibly can—that is not their primary consideration. I am not quite sure what their primary consideration is, but we are expected in this place to do things that protect the community from harm or unreasonable exposure to the risk of harm. That is exactly what this does.

I am very happy with the way this has been framed up by the government. I am confident that the number of people who would be impacted by this change in any year would be maybe one or two. That would only mean the sentencing principles were different. Whether or not in fact it affected the sentence would be impossible to say but, in many cases, quite possibly not.

But in cases where one of these young people was a clear risk to other members of the public, the court at least would have the capacity to protect us from them. I think that this what members of the community expect our courts to do, and they expect the parliament to give the courts the powers to do it.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. J.R. RAU: I move:

Amendment No 1 [AG–1]—

Page 2, line 15 to page 3, line 9—Delete the clause and substitute:

4—Amendment of section 3—Objects and statutory policies

Section 3—after subsection (3) insert:

(4) This section does not apply to a court imposing sanctions on a youth who is being dealt with as an adult, whether because the youth's conduct is part of a pattern of repeated illegal conduct or for some other reason (and the laws applying in relation to the sentencing of an adult apply to such a youth).

I will not bore the house by going through it at great length—

The CHAIR: Hold the house, surely, not bore it.

The Hon. J.R. RAU: —but the purpose of this amendment is to make it absolutely crystal clear, in the event that it was not already. A question was raised a few weeks ago about whether we were intending to capture matters which had events that had already occurred but not yet been tried, or whether we were only going to be attempting to capture events which were yet to happen. I made the point that my view was that once this bill passes the parliament—if it does, and I hope it does—any event which is before the courts should be captured, notwithstanding that the point in time when the event occurred was prior to today.

My reading of the original amendments we had said that that was what we were saying. Just to make it absolutely beyond doubt, and make what we are saying crystal clear, I am moving this section for the avoidance of doubt. I think, if we do not pass this, it already says that, but I do not want there to be any misunderstanding about what we are intending to do or what we are intending to achieve.

Ms CHAPMAN: I have a question in relation to this. I hear what the Attorney is trying to do, and in the brief discussion we had in the briefing on this there was suggestion that the wording was changed to make it clearer that, yes, all youths who were going to be tried as adults should be sentenced as adults. I thought the issue that was just raised as to current cases that are being dealt with was quite clear, because the wording has not changed on that.

Both in the current bill and the amendment, in this case, it is on a youth who is being dealt with—so it is not past or to future; it is being dealt with now. My understanding from the briefing was that it was not the reason for this redrafting, but that it was more to do with the clarity of the intent. So, rather than having sanctions imposed as X and then listing those, it was to be using the same wording as is in the act. I have a different explanation from the Attorney.

I thought what he just told us was in fact relevant to the transitional provision, which is yet to be dealt with as amendment No. 2, but I might be wrong. In any event, I am happy to say to the Attorney that something I do not like—and I do not think he likes—is that we still keep seeming to pass laws that have things in brackets for explanatory purposes to support the contention, rather than actually being necessary for the purpose of the drafter. We now have them going from a note form, which was quite common—it still happens sometimes; we have 'NB' in a bill, with some examples given. Now we have, in this instance, a provision which states:

(and the laws applying in relation to the sentencing of an adult apply to such a youth).

which is supposed to be explanatory, rather than instructive. I do not like that and I will put it on the record that I do not like it. I know that parliamentary draftsmen still do it but, nevertheless, we are not agreeing with the bill in any event, but my point is made.

The Hon. J.R. RAU: Can I just say that the deputy leader is correct in this instance (I was out of order; I was addressing the transitional provision first); likewise, the particular matter before us now is simply a clarification matter as well. It does not in any way depart from the intent of the original provisions.

Amendment carried; clause as amended passed.

Clause 5.

Ms CHAPMAN: Attorney, last week, when you advised that there were to be amendments, you also indicated that there had been 16 young offenders from 2013 to 2015, 10 of whom had been sentenced as adults and the others had been treated in different ways. You also advised that the sentencing remarks in the Tucker case (if I can describe it as that because, of course, we are referring to the victim) could only been released at the determination of the court and you were awaiting the court's decision. Have you read those sentencing remarks?

The Hon. J.R. RAU: I am advised that that material can only be released with the consent of the sentencing judge. I am advised that has not occurred; therefore, we have not been provided with that material and therefore I have not read it.

Ms CHAPMAN: When the Attorney considered—which, unfortunately, it appears he has considered and decided not to—directing the DPP, had he sought advice from the DPP in respect of his opinion in respect of the sentencing remarks and the likelihood of appeal?

The Hon. J.R. RAU: I am glad the deputy leader has raised this question because it actually relates to something I was going to comment about in the context of the initial debate but neglected to, and that is the absolute inconsistency between the opposition saying that as a matter of high principle you oppose this bill and then at the same time, purporting to be on the ethical soapbox, saying that you would nevertheless direct the Director of Public Prosecutions to make what he knows to be an unmeritorious appeal to the courts. As an Attorney-General, I can think of very little that would be more objectionable and unacceptable, and I am picking up words which—

Ms Chapman interjecting:

The CHAIR: Deputy leader, you will have the option to ask a further question once the Attorney-General—

The Hon. J.R. Rau interjecting:

The CHAIR: Order!—has finished his contribution in answer to your first question.

The Hon. J.R. RAU: Thank you, Madam Deputy Speaker, I appreciate that. I do not think I can imagine anything more objectionable and unacceptable than an Attorney-General who is properly advised that there is no merit in an appeal abusing—and I will use the word 'abusing' because in my view that is what it would be—his position to order an independent public official to nevertheless undertake an unmeritorious appeal. In every one of these cases that have come to light, the knee-jerk reaction of the member for Bragg is to say, 'Direct the DPP! Direct the DPP!' always. 'Why don't you direct the DPP? I am calling on the Attorney to direct the DPP.'

Now what I do is I actually say to the DPP, 'Look, there is a degree of community concern about this particular matter. I would like you, director, to please have a look at this case and indicate to me whether you have a view about the appropriateness or otherwise of an appeal in this case.' Invariably the director gets back to me and indicates his view.

On some occasions he has come back to me and said, 'In my view the judge has made an appealable error. I believe this matter is not a safe judgement and I'm intending to appeal.' He goes ahead and does that without me telling him to do that. It is his job to do that, and he does it. There are other occasions where he will say to me, 'I have looked at this and, notwithstanding the shrieking from various quarters,' often including the member for Bragg, 'there is no merit in appealing this case. People may not like it but the law says that the judge who has heard this case has actually correctly applied the law'.

If that is the opinion the director has come to, and it is his job as an independent officer to discharge that function, and in the absence of me having some other advice that is equally persuasive, or more persuasive I should say—and I have never had it, not once—then my view is that I should let the director do his job. In some instances that means it becomes my problem, because the problem is not with the director, it is not with the courts, it is with the law, and the director cannot change the law and the courts cannot change the law.

The only person who can change the law out of the courts, the director and me is me, in cooperation with the parliament. That is it. That is why sometimes—as in cases like this—I have come to the view, the director has told me, that because an individual would be sentenced as a youth

there is not any appeal available, for instance. If you want that to be different you are going to have to change the law. It is no good arguing with me.

So what I am doing is bringing to the parliament the proposition that the law needs to change. What I am not doing is going through some sort of bogus stunt where I direct the Director of Public Prosecutions to go off on a completely unmeritorious appeal, which is an abuse of process and which I hope would be roundly condemned by the courts as being an abuse of process.

Ms CHAPMAN: I am quite concerned at the answer from the Attorney because the law quite clearly says that he has the power to direct the DPP. He may have chosen to decide, 'I'll accept whatever the DPP recommends and I am not going to direct him,' but that is what it is there for. Quite frankly, the Attorney's predecessor, minister Holloway in an acting role, at least had the guts to do that in the Nemer case and was prepared to take that risk and make that judgement, and was successful.

The Hon. J.R. Rau: Based on the advice of the Solicitor-General.

Ms CHAPMAN: I am coming to that in a minute, Attorney. The then DPP, Mr Rofe, had given advice that in his view there would not be any success in an appeal in relation to the sentence of Mr Nemer. Quite clearly he was wrong. The Attorney-General sought other advice, and I am very concerned to hear today, as I am sure all parliament is, that in a situation where you have a legal power—and in fact a responsibility—to consider the advice you are given, you apparently do not even read the sentencing remarks, let alone call for them. You do not ask the Solicitor-General or some other person to make an assessment. You have an army of advisers—you are the biggest employer of lawyers in the state—yet you do not take any action to fulfil your responsibility of making an assessment in a circumstance where the DPP has said, 'I won't be initiating an appeal of my own motion. I am reporting that to you, as Attorney. This is my advice.'

You take no other action. You just see it as an abuse of process if you were to attempt to do so. I am concerned, Attorney, that you should completely ignore your responsibility to do that. The fact that you have not even read these sentencing remarks or even asked for other counsels' advice on behalf of the government is just disgraceful.

The CHAIR: Is that a question? That is just a comment.

The Hon. J.R. RAU: I would like to respond to that. I stand accused of not being a cheap, cheer-chasing spiv in the role of Attorney-General. That is what I am accused of, and I plead guilty. I am not a cheap, cheer-chasing spiv. I am trying to discharge an important public function in an appropriate way.

Ms CHAPMAN: In respect of the youths for whom there are cases pending, I am advised by Mr Shannon Sampson—who is apparently your adviser, who was not available yesterday and who has the conduct of this matter—in the email that we received that there is a youth currently before a court who is apparently awaiting sentencing. I assume that either a plea has been entered or they have been found guilty and they are waiting to be dealt with in sentencing. Obviously without identifying the person, are you able to inform the parliament as to the circumstances surrounding this case and why it was not made available to us until 3.20 yesterday afternoon?

The Hon. J.R. RAU: I am advised of a number of things. Thank you for the question. Apparently, the question was only asked yesterday and so not having the answer immediately might be inconvenient, but we will get it.

Ms Chapman interjecting:

The CHAIR: Order!

The Hon. J.R. RAU: We will get it from the courts if we can. Can I make another observation that I think is relevant for Mr Bevan, who I understand might be watching this broadcast. The situation is that I have a routine policy of extending the courtesy—and I emphasise the words 'extending the courtesy'—of briefings to the deputy leader in order to assist her in being able to come to grips with matters that are coming before the parliament.

That is offered as a courtesy and, lamentably, it tends not to be received as a courtesy. It tends to be received as an entitlement to which indignant responses are often made about whether or not unreasonable time lines are met. In addition, I have noticed recently not only the rudeness about it but the fact that material provided in the context of a courtesy briefing is placed immediately in the hands of journalists in order to provide some sort of entertainment in that respect.

The CHAIR: I would like to get back to the substance of the amendment before us. If we have any further questions on the amendment, let's put them, otherwise, we need to—

Ms CHAPMAN: Is the Attorney telling us that in respect of this bill, which he is going to now propose to ensure that it captures current cases, he does not have any idea about the circumstances surrounding this case, which is clearly going to be caught if he progresses with this bill, including the confident confirming transitional clause to catch existing cases? Is he seriously asking us to, in complete ignorance of the details of this case, change this law and capture current cases, act retrospectively in that regard, without you even having any clue about what the circumstances of this case are?

The Hon. J.R. RAU: I am trying to work out which one of the histrionic remarks is plumbing the depths the most, and I think that one probably gets there. The point is pretty simple. The point is very, very simple: I am not asking the parliament to change the threshold as to whether a person is declared to be in this class or not. I am not touching it, not proposing to touch it. That remains entirely in the hands of the courts. They are making that decision, not me.

Likewise, I am not seeking to interfere with the court's determination of what an appropriate sentence might be. All I am saying and all I am asking the parliament to do is to get in step with what the public reasonably expects, which is that, when one of these young offenders is so far out of line the courts decide they are to be tried in an adult court, the primary consideration in that sentence is whether or not this young person is going to go out and hurt other people—that is it.

We are not saying they cannot consider whether they require a rehabilitation program. We are not saying they cannot be given appropriate supportive mechanisms, training, or whatever else. We are not saying any of those things, but what we are saying is that if the court thinks that person represents a danger to other law-abiding members of the community the court has to put the risk to the other members of the public at number one and deal with that at number one. The court can then deal with all the other issues they need to and, yes, let's hope in many of these cases rehabilitation works. Obviously, we all agree with that.

The fact of the matter is, and it is an uncomfortable fact and it is one that the opposition does not want to admit but I am going to say this here because it needs to be said, there are some young people—mercifully very, very few but there are some—who are so determined upon a path of self-destruction and destruction of the safety of other people that it is in the interests of the public that that young person be restrained from doing that after they have committed an offence that demonstrates their capacity to do that.

I am not pretending there are many young people in this circumstance—there are very few, thank goodness—but if one of them is in that circumstance we have a responsibility to protect the community from that individual. I am going to say this a couple of times because there are potentially circumstances where what I am saying is highly relevant, and I will say it again: there are some very, very rare situations where you have a young person who is completely wired up or determined, or whatever you want to call it, to behave in a destructive fashion notwithstanding the consequences to themselves or others.

As I said, it is very rare, but if we do have a circumstance such as that—and all of us hope we never do, but the truth is that they are there—the court should be able to protect the rest of us from the danger that is represented by that person in the same way as they protect us from people who are convicted of not being able to control their urges and who may be detained for lengthy periods with their liberty restrained. Again, we are talking about very, very few people in that category as well, thank goodness. To be clear on this, this is not the sort of thing we are attempting to apply to lots of people. Let's be clear about this: the few people to whom this should apply are people the community expects it to apply to.

Ms CHAPMAN: My question to the Attorney is: in respect of this youth, in respect of this disclosure, this is a youth for which a determination has already been made, apparently, that he or she be tried in a superior court according to the law that exists today. However, the law as at tomorrow, if this bill passes, or in a weeks' time or whatever, is that that same youth, determined to be tried in an adult court, will be sentenced under the adult sentencing rules.

My question to you is: given the assessment that was made by the judge to have this made into a superior court in that case, surely as a parliament we need to know and be satisfied that if you want to introduce or capture a case halfway through—that is, a decision made under the old law about whether it is tried in an adult court, and the decision to then capture it so that it is sentenced under the new rules—then we need to know what the circumstances of that case are. If you do not have a clue then we certainly are in the dark.

It is completely unacceptable that you try to suggest that there is some courtesy of providing it to me yesterday afternoon when you introduced this amendment. The first notice I was given was when it was dumped in my pigeonhole mid-morning on Friday. I then find that you come into the parliament and say, 'I want to capture this case,' under the general piffle that you have just gone through about the justification for this legislation. You then expect us to say, 'Oh, fine, we will just push it through.' We have no clue what this case is about. You apparently have no clue about what it is about, but you do not care.

You want to give us a briefing, which you say is some kind of privilege but which I understood to be an opportunity for your government to present to the opposition the good reasons upon which the basis of legislation is being presented and to answer any questions or concerns that we might have, which might remove any concern that we would have to otherwise oppose or amend. You are treating the parliament like we have to somehow or other accept the crumbs that are thrown to us as some kind of privilege.

You might be the Attorney-General and a member of the government—I would be embarrassed to be in it, frankly—but you are also a member of this parliament. If you think you can get on your high horse and suggest to this parliament that we should pass amendments on your say-so when we are completely in the dark on the information before us, then think again.

The Hon. J.R. RAU: There is no ending the sense of indignation and effrontery that the member for Bragg is able to bring to her contributions; it is really quite spectacular but consistent. My answer to her is simple. There are two points. Point No. 1 is that the government is in tune with the reasonable expectations of the public that these very few offenders will be dealt with on the basis as to whether or not they represent a risk to the community. That is point No. 1. Point No. 2 is that I am not deciding what happens to them; the courts are, and I have confidence the courts will do it properly.

Clause passed.

Clause 6 passed.

Schedule 1.

The Hon. J.R. RAU: I move:

Amendment No 2 [AG–1]—

Page 3, lines 23 to 29 [Schedule 1, clause 1]—Delete clause 1 and substitute:

1—Transitional provision

An amendment effected by this Act applies to a youth who is being sentenced as an adult after the commencement of the amendment, whether the offence in respect of which the youth is being sentenced occurred before or after that commencement.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:58 to 14:00.

STATUTES AMENDMENT (HEAVY VEHICLE REGISTRATION FEES) BILL

Assent

His Excellency the Administrator assented to the bill.

PARLIAMENT (JOINT SERVICES) (STAFFING) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

LAND AND BUSINESS (SALE AND CONVEYANCING) (BENEFICIAL INTEREST) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

ELECTORAL (LEGISLATIVE COUNCIL VOTING AND OTHER MEASURES) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

LOCAL GOVERNMENT (BOUNDARY ADJUSTMENT) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

BAIL (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

STATUTES AMENDMENT (NATIONAL POLICING INFORMATION SYSTEMS AND SERVICES) BILL

Assent

His Excellency the Administrator assented to the bill.

SUMMARY PROCEDURE (SERVICE) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

575th Report of the Public Works Committee entitled Installation of Hybrid Turbines as Long Term Backup Power Plan which has been received and published pursuant to section 17(7) and (8) of the Parliamentary Committees Act 1991
576th Report of the Public Works Committee entitled Northern Ambulance Station which has been received and published pursuant to section 17(7) and (8) of the Parliamentary Committees Act 1991
Auditor-General—Adelaide Oval Redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011 Report for Period 1 January 2017 to 30 June 2017 (Paper No. 4ZB) [Ordered to be published]
Independent Commissioner Against Corruption—Evaluation of the Practices, Policies and Procedures of the Public Trustee Report 2017
Joint Parliamentary Service, The Administration of—Annual Report 2016-17
Police Ombudsman—Annual Report 2016-17

By the Minister for The Arts (Hon. J.W. Weatherill)—

Regulations made under the following Acts—
Art Gallery—General

By the Attorney-General (Hon. J.R. Rau)—

Criminal Investigation (Covert Operations) Act 2009—Independent Commissioner against Corruption Annual Report 2016-17
Listening and Surveillance Devices Act 1972—
Annual Report 2016-2017
Independent Commissioner against Corruption Annual Report 2016-17
Police Act 1998—Review under Section 74A Annual Report 2016-2017
Review of Orders and Directions issued by the Commissioner of Police—Operations of Section 34AB of the Evidence Act 1929 May 2017
Regulations made under the following Acts—
District Court—Listing Fee
Electronic Transactions—General
Juries—Remuneration for jury services—General
Legislation Revision and Publication—General
Police Complaints and Discipline—General
Subordinate Legislation—
General
Postponement of Expiry No. 3
Supreme Court—Listing Fee
Rules made under the following Acts—
Magistrates Court—Criminal—Amendment No. 62

By the Minister for Planning (Hon. J.R. Rau)—

Regulations made under the following Acts—
Development—
Decisions by Development Assessment Commission
Upgrading Underutilised Buildings

By the Minister for Industrial Relations (Hon. J.R. Rau)—

Inquiry into Work Health and Safety Workers Compensation Issues Associated with people working longer '67 is the new 40'—Response to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation Report
Regulations made under the following Acts—
Dangerous Substances—

Fees No. 4
General
Long Service Leave—General

By the Minister for the Public Sector (Hon. J.R. Rau)—

Regulations made under the following Acts—
Freedom of Information—General

By the Minister for Consumer and Business Services (Hon. J.R. Rau)—

Variation to the Approved Licensing Agreement with SkyCity Adelaide—20 July 2017

By the Minister for Finance (Hon. A. Koutsantonis)—

South Australian Superannuation Scheme—Annual Report 30 June 2016
Regulations made under the following Acts—
Superannuation Funds Management Corporation of South Australia—Regulations

By the Minister for Mineral Resources and Energy (Hon. A. Koutsantonis)—

Regulations made under the following Acts—
Mining—Fees No. 4

By the Minister for Agriculture, Food and Fisheries (Hon. L.W.K. Bignell)—

Recreational Fishing in South Australia Management Plan—1 September 2017
Regulations made under the following Acts—
Agricultural and Veterinary Products (Control of Use)—General
Primary Industry Funding Schemes—
Citrus Growers—General
Eyre Peninsula Grain Growers—General
Primary Produce (Food Safety Schemes)—
Meat—General
Seafood—General
Veterinary Practice—General
Wine Grapes Industry—General

By the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—
District Council of Loxton Waikerie—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Cats
District Council of Streaky Bay—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Cats

By the Minister for Education and Child Development (Hon. S.E. Close)—

Direction to the South Australian Water Corporation, Public Corporations Act

Regulations made under the following Acts—
Education and Early Childhood Services (Registration and Standards)—
Miscellaneous
National Law Text Amendment
Historic Shipwrecks—Fees No. 4
River Murray—General

By the Minister for Education and Child Development (Hon. S.E. Close) on behalf of the Minister for Transport and Infrastructure (Hon. S.C. Mullighan)—

Adelaide-Port August Schedule Airline Route—Award of Route Service Licence
Commissioner of Highways—Leases and Licences Granted for Properties held Annual Report 2016-17

By the Minister for Education and Child Development (Hon. S.E. Close) on behalf of the Housing and Urban Development (Hon. S.C. Mullighan)—

Renewal SA (Urban Renewal Authority)—Charter

By the Minister for Police (Hon. C.J. Picton)—

Regulations made under the following Acts—
Controlled Substances—
Pesticides—Fees No. 4
Pesticides—General
Food—Game Meat
Police—Miscellaneous

Ministerial Statement

VULNERABLE WITNESS INTERVIEWS

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:08): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: On 1 July 2016, division 3 of part 17 of the Summary Offences Act 1953 came into operation as a result of the commencement of the Statutes Amendment (Vulnerable Witnesses) Act of 2015.

The provisions require an audiovisual recording to be taken of all interviews with vulnerable witnesses in relation to a serious offence against a person and for the interview to be conducted by a prescribed interviewer. The intent of the laws is to spare vulnerable witnesses, including children and people with disabilities, the trauma that may arise from having to give evidence in court by enabling the record of interview to be tendered in court as evidence.

Due to an administrative oversight in the Department for Health and Ageing, Child Protection Services staff were not recognised as prescribed interviewers for the purposes of the Summary Offences Act 1953 between 1 July 2016 and 21 August 2017. On 21 August 2017, the former minister for health approved two training courses under the Summary Offences Regulations 2016 and as a result the Child Protection Services staff who have successfully completed the training courses are now recognised as prescribed interviewers. There are seven current prosecutions, I am advised, potentially affected by this oversight.

In the first case, of which the Director of Public Prosecutions has the conduct, one interview out of a number with the complainant was inadmissible. That case was heard by a single judge of the District Court in the absence of the jury and the decision has been reserved. The other six matters, of which SAPOL has conduct, are presently before the Magistrates Court. One is set for a

status conference, one for a pre-trial conference and four have been adjourned for the parties to take certain steps, such as for the defendant to seek legal advice.

The government will be introducing an amendment to the act in the other place which we will be seeking to pass as a matter of priority. The amendment will retrospectively rectify the problem that has been identified. On the basis that the amendment is passed swiftly, there will be no prejudice to any other prosecution.

PUBLIC SECTOR RECRUITMENT

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:10): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. J.R. RAU: I wish to give the house further details about the case of the former chief information officer at the Department of the Premier and Cabinet that has been the subject of recent media reporting. I do so in my capacity as Minister for the Public Sector, upon advice from DPC.

Let me be clear: the hiring and firing of staff is entirely a matter for the chief executives of government departments. In this case, I have been informed that the position of chief information officer at DPC was advertised with a closing date for applications of 26 May 2017. Following a competitive selection process, the new chief information officer was appointed on a three-year contract. It became clear shortly after she commenced her role on 3 August 2017 that there were serious questions about her capacity and conduct.

As a result, in correspondence dated 8 September 2017 she was directed to remain absent from duty. The chief executive, Dr Don Russell, terminated the executive's employment effective 19 September 2017, exercising the powers under section 54(1)(d) of the Public Sector Act 2009 on the grounds of misconduct. A contractor engaged by the former chief information officer has also had their contract of service terminated effective 18 September 2017.

As the circumstances surrounding this matter are now before the courts, I will not canvass particulars of allegations that will be the subject of those proceedings. I am further advised that the contract of service of a senior ICT contractor who assisted in the selection process was concluded effective 22 September 2017. The chief executive of DPC established an immediate inquiry into the recruitment process that resulted in this employment.

Following his receipt of the review, Dr Russell has ordered that all future senior appointments be subject to a detailed police and security check; rigorous verification of work history, qualifications and referees prior to an offer of employment in line with the mandatory requirements outlined in the new Guideline of the Commissioner for Public Sector Employment: Recruitment, which came into effect on 6 July 2017; forensic investigation of candidates' social media profiles; and communications across DPC to ensure that selection panel members are conversant with the selection processes, including due diligence obligations. These measures have been introduced with immediate effect.

SAFEWORK SA

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:13): I seek leave to make a further ministerial statement.

Leave granted.

The Hon. J.R. RAU: In March 2017, following consideration of the outcome in the prosecution against Hansen Yuncken and Leighton Contractors regarding the death of Mr Jorge Castillo-Riffo, the chief executive of the Attorney-General's Department directed the preparation of a legal advice into the investigation and prosecution arrangements for offences under the Work Health and Safety Act 2012. This review was conducted by a senior prosecutor from the Office of the Director of Public Prosecutions. The Premier announced the review on 11 April this year. The review

was finalised and a legal advice provided to the chief executive of the Attorney-General's Department on 16 June 2017. A number of recommendations for reform to the investigation and prosecution arrangements for offences under the Work Health and Safety Act have been made.

The recommendations cover a range of issues. These include the training of SafeWork SA personnel involved in the investigation of incidents; the structure and management of SafeWork SA's investigation team and the work undertaken by that team; the need to clarify expectations and requirements as between SafeWork SA and the Crown Solicitor's Office; and the need to review various existing practices and procedures on topics such as the engagement of experts, the consideration of enforceable undertakings, SafeWork SA's first response protocol, and the way in which victim assistance services are provided.

A steering group has been formed to oversee the implementation of the government's response, chaired by the newly appointed executive director of SafeWork SA. As I have already stated, work has commenced in relation to all recommendations. For example, a training program focused on foundational investigation skills was delivered to SafeWork SA personnel in August 2017 by the Queensland regulator, and an expert in work health and safety law. SafeWork SA is also partnering with the Charles Sturt University Graduate School of Policing to develop an ongoing sustainable training framework.

The government has also taken the extra step of creating a new role in SafeWork SA of Director of Investigations. This role was recently filled by a detective chief inspector of the South Australia Police following a merit-based process. The purpose of the new role is, amongst other things, to develop and implement an ongoing training program about all facets of investigations and prosecutions for SafeWork SA personnel involved in the investigation of incidents.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:16): I seek leave to make another ministerial statement.

Leave granted.

The Hon. J.R. RAU: On 30 March 2015, the South Australian Civil and Administrative Tribunal (SACAT) opened its doors to the public. The main purpose of SACAT is, amongst other things, to promote the best principles of public administration and to ensure easy access to justice. At the time of its commencement, the SACAT was vested with the jurisdiction previously exercised by the Guardianship Board, the Residential Tenancies Tribunal and the Housing Appeal Panel.

Section 96 of the South Australian Civil and Administrative Tribunal Act 2013 requires that a review of the SACAT be conducted as soon as practicable after the SACAT's second year of operation. The review is to include an assessment of the SACAT'S performance, its success in meeting its main objectives and consideration of whether an extension of the SACAT's jurisdiction is advantageous.

The government commissioned retired Supreme Court Justice, the Hon. David Bleby QC, to undertake the statutory review, who finalised the review report on 1 August 2017. I acknowledge the input provided by members, staff, volunteers, interested parties and the users of SACAT, who engaged in various surveys and interviews for the purposes of the review. I also bring before the honourable members, the government's response to the recommendations made in the review, which is based on much consideration as well as consultation with the President of the SACAT, the Hon. Justice Judy Hughes. While not all the recommendations in the review are accepted, the government welcomes the findings of the review as a catalyst for the implementation of legislative and organisational changes, including the broadening of the SACAT's jurisdiction.

The review of the Hon. David Bleby QC found that SACAT is an evolving functional body that generally delivers on its key objectives. Of course, there are improvements that can be made, and the review contains 51 recommendations on how to improve SACAT's future operations across a range of areas, including legislative change, membership structure and workflow, co-location,

technology, training and development, fees and jurisdictional extension. The government's response provides a position in relation to each of the 51 recommendations specifically.

For the current purpose, I will speak to the government's broad response to each area of recommended reform. In relation to legislative change, the review found that while the main objectives of the act are commendable, they create tensions that require a balance that is not easy to achieve. For example, consistency, transparency, accountability and procedural fairness must be balanced against accessibility and fast processing. The review made several recommendations for amendments to the act to allow for the improved efficiency of SACAT.

These recommendations are largely supported, and the government intends to move amendments to the Statutes Amendment (SACAT No. 2) Bill 2017 to implement these recommendations. The recommendations relating to the membership structure and workflow of SACAT largely relate to the levels of membership and the distribution between full-time, part-time and sessional appointments. The review recommended that the President of SACAT be engaged on a full-time basis. I am pleased to say that this recommendation has already been implemented in the appointment of the Hon. Justice Judy Hughes as Justice of the Supreme Court and full-time President of SACAT, effective from 4 July 2017.

The review also recommended that there ought to be at least one full-time deputy president and that the proportion of sessional to permanent members ought to be reviewed. The government intends to continue to investigate the feasibility of these recommendations. I would like to take this time to thank former president, the Hon. Justice Greg Parker, and the former deputy president, Judge Susanne Cole, for their leadership and commitment to SACAT in the first two years of its operation.

Some of the strongest recommendations in the review focused on the SACAT's separate premises, highlighting the adverse consequences of operating in two locations, and improvements that could be achieved by co-location. The government accepts the rationale behind these recommendations and will work towards attaining co-location for SACAT.

In relation to the use of technology within SACAT, the review acknowledged that, despite difficulties with implementation, the SACAT has been bold in implementing its electronic management system. The government generally supports the findings in relation to the technology platforms used by SACAT. The review made a number of recommendations in relation to the training and development for members. The review generally found that the present quality of training is inadequate and requires significant reform and resources, with the goal of ensuring high-quality and consistent decision-making. SACAT is currently undertaking a review of member training with a view to improving induction training and expanding the ways in which training is delivered.

Turning now to SACAT fees, the review found that the fees and waiver policy has been major contributors to the substantial and unbudgeted increase in the number of applications that have been received by SACAT. It is my understanding that tribunals across Australia have faced similar circumstances. The review found that the fees affect SACAT's budget in two ways—first, that lower fees reduce the likelihood of achieving cost recovery; and, secondly, that increased accessibility results in increased costs associated with providing the service.

The government accepts the recommendations in relation to fees in principle, one of which is that a comprehensive fee review ought to be undertaken. This may include the development of a concession and waiver policy and the need to provide a range of fees for applications. However, I note the importance of maintaining the balance between regulating the demand for services and ensuring that services remain accessible for members of the public.

When it comes to extending SACAT's jurisdiction, the review made a number of recommendations for the extension of the jurisdiction and noted that such extensions depend on adequate resourcing. While the government does not agree with all jurisdictions recommended to be conferred on SACAT, I am pleased to advise that the government has already announced that it intends for the jurisdiction of SACAT to be significantly increased by way of the Statutes Amendment (SACAT No. 2) Bill 2017 which is currently before the parliament. The review agreed with the additions to SACAT's jurisdiction as posited within this bill.

In conclusion, I thank the Hon. Justice Bleby for his independent review of SACAT and all those who participated to ensure its veracity and applicability. The government is committed to the

continuous improvement of SACAT so it can best meet the needs of the South Australian community. Section 96 (2) of the act requires that the minister cause a copy of the SACAT report to be laid before both houses of parliament within six sitting days after receiving the report. I am pleased to table the Hon. David Bleby QC's review report as well as the government's response to the recommendations of the review.

Report received and ordered to be published.

SPACE INDUSTRIES

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (14:25): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.L.J. HAMILTON-SMITH: The South Australian government has this week welcomed more than 5,100 delegates to the 68th International Astronautical Congress, the biggest in the congress's history. We welcomed the heads of international space agencies, key investors and some of the sharpest minds in global engineering. They are building one of the most dynamic industry sectors in the world's history. Seven hundred South Australian school students have joined them at this week's congress, and they can see an exciting future for themselves in this industry.

At the opening of the congress, the commonwealth government confirmed its intention to develop a national space agency, a concept fully embraced and encouraged by the South Australian government in its submission to the commonwealth's current review of Australia's space industry capability. We are best placed to take advantage of the commonwealth's commitment here in South Australia because we have established our own South Australian Space Industry Centre (SASIC), with more than $4 million committed to training scholarships, space incubation services and a space accelerator program. Details can be found sasic.sa.gov.au. That fund is supported by a $200 million job fund.

The establishment of the SASIC follows last year's release of South Australia's Space Innovation and Growth Strategy Action Plan is complemented by the production of a South Australia's Space Capability Directory that lists all the companies in South Australia in this industry. With a dedicated portfolio, a dedicated agency, a strategy and an industry directory, South Australia has led the nation on this issue.

Yesterday's grand opening of the congress showed South Australia at its finest. Delegates arrived via direct flights from Europe via the Middle East, a tribute to the good work of my friend the Minister for Tourism, and they came through direct flights from Hong Kong, Kuala Lumpur, Singapore or Guangzhou. The city's capacity to handle the enormous number of delegates, whilst also basking in the buzz of Adelaide Football Club's success on the sporting field, shows us in a wonderful light. We are a mature city, an intelligent city and a vibrant city.

On the business front, we have already signed key agreements with the German space agency, the United Arab Emirates space agency and the Italian space agency, and we are in negotiation with a number of others about growing jobs and investment through this exciting opportunity. Our business leaders are doing deals with Europe's space agency, major corporations and cutting-edge developers.

The congress takes me back to 2002, when Adelaide hosted the 13th World Congress on Information Technology, opened by US president Bill Clinton. At the time, I was minister for innovation, and I am pleased to remind the house that the IT congress was underpinned by political bipartisanship. I told the house at the time that we were on the edge of some fascinating developments, with expected advances in computer technology in the years ahead.

It is worth reminding the house that global experts at the 2002 conference predicted that by the year 2010 the industry would have developed a computer with the processing power of the human brain and that by the year 2015 computer capability would have developed to incorporate consciousness. That consciousness, in effect, would be focused on the ability of the computer to self-learn. What is coming out of the IAC conference this week is that 15 years on we are precisely

where those experts said we would be. Artificial intelligence and advanced processing power are the building blocks that today's developers are using to move to the next frontier. Adelaide University alone, supported by the other two universities, is in the top three category in the AI field.

The space sector is a major player in communications, IT, medical science, mining and agriculture. It touches us all. To get a sense of how exciting these developments are for young South Australians, look at these 10 job vacancies appearing today on an online space industry site: cybersecurity analyst; Earth observation data engineer; payload system engineer; IT medical support officer; researcher, scientific study of mission total mass loss (TML); knowledge management engineer; space applications developer; climate product and radiative transfer expert; ground stations engineer; and spacecraft communications expert.

Mapping global supply chains and unlocking job and investment opportunities for South Australian companies will be a key role of the new space agency and the state industry centre. The state government thanks the federal government and the federal opposition for their bipartisan commitments made yesterday. We thank the International Astronautical Federation for their confidence in South Australia by being here. We welcome the 4,470 delegates and the 700 school students who are part of this exciting adventure. What a great future awaits them in South Australia, where tomorrow starts today.

Parliamentary Procedure

VISITORS

The SPEAKER: I notice in the gallery today two distinguished former members of parliament: the former member for Reynell, Mary Gabrielle Thompson, and the former member for Hanson, Stewart Leggett. I welcome their return to parliament for the day.

Personal Explanation

MEMBER FOR MOUNT GAMBIER

Mr BELL (Mount Gambier) (14:33): I seek leave to make a personal explanation.

Leave granted.

Mr BELL: I have been charged with offences. The allegations arise from a time before I entered parliament and date back as far as 2009 when I was helping establish youth and social work services in the South-East. I completely deny any wrongdoing or dishonesty and I will defend these charges to fully protect my name and reputation. I have resigned from the Liberal Party. This gives me more time to dedicate to the state district of Mount Gambier. I will remain the member for Mount Gambier and continue to serve the people of the South-East in this parliament and at a local level until at least the general election of 17 March 2018.

Parliament House Matters

CHAMBER PHOTOGRAPHY

The SPEAKER (14:34): In 2013, I permitted members of the public, staff and members themselves to photograph and film members in the chamber in all circumstances. This has commonly been done with iPhones. As the house is now providing a high resolution video feed of the proceedings of the house from our morning start to the very end of proceedings, I think that photography and filming by individuals is now unnecessary and prohibiting them does not detract from transparency or accountability. That is my ruling, and signs to that effect will be erected outside the galleries accordingly.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford) (14:35): I bring up the 124th report of the committee, entitled Annual Report 2016-17.

Report received and ordered to be published.

The SPEAKER: As I said before, it has taken 35 minutes to get to questions. That would normally not be the case in question time. Normally, the questions would start much closer to 2pm, but the house has been away for several weeks and it is necessary, for the purposes of the accountability of the government to the parliament and the people, for us to go through the tabling of regulations and ministerial statements and reports.

Question Time

TAFE SA

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): My question is to the Minister for Higher Education and Skills. Has TAFE SA received notice that unless changes are urgently made, 16 TAFE SA courses will lose their accreditation from the National Skills Quality Authority at the end of next month?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:37): TAFE SA has not advised me to that effect, no.

TAFE SA

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37): Can the minister outline to the house what steps she has taken since it was revealed earlier this month that approximately 80 students have had their course accreditation suspended by CASA?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:37): Some time ago, the Civil Aviation Safety Authority (CASA), which is the accrediting body for the work undertaken by TAFE in the aviation mechanics and maintenance area, advised TAFE that they were unhappy with a number of administrative procedures associated with the assessment and documentation of some of their coursework. TAFE naturally informed me about this, and I immediately had a meeting with the then acting chair of the board and the acting chief executive at the time. Naturally, we have kept in close contact.

What has occurred since then is that TAFE has informed, more or less immediately, all of the people who were involved in that situation—so the students who had gone through and had thought that they had graduated, the employers of those students, and also of course CASA kept their minister informed and also the federal minister assisting in training. There was a number of entities and organisations that were aware that this had occurred. CASA and TAFE have been working together ever since, and I understand that as of this morning, a large number of the issues have been resolved, but not all of them. I anticipate being able to give firmer and happier news shortly.

TAFE SA

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39): Supplementary, sir: is the minister satisfied that all current TAFE qualifications are accredited appropriately?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:39): Accreditations of courses, regardless of whether they are offered by TAFE or by non-TAFE providers, are accredited until they are not. The honourable member has suggested that he had some information earlier that there are some difficulties with some TAFE courses. TAFE has not formally advised me of that. That doesn't mean to say that that information isn't present within TAFE and, having had that question raised, I will certainly be making inquiries.

I am aware that ASQA is the final authority for approving and accrediting courses. Some years ago, the state's responsibility for accreditation and for quality assurance was signed over to a federal body and all of the states have done that. There is work that has been done by ASQA with TAFE, as they do with non-TAFE. I will investigate further and bring back an answer to the chamber.

TAFE SA

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:40): A further question to the Minister for Higher Education and Skills: will the minister direct TAFE to commission a thorough independent audit of its training and certification under her powers provided in part 2 of the Public Corporations Act 1993?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:40): ASQA undertakes that role and, indeed, is working with TAFE at present, or has been until very recently. There is no evidence to me that there is a gap that is not being managed by ASQA and by the various professional bodies, including, as we have canvassed, CASA. Absent any evidence that there is a problem with the accrediting and authorising environment, I don't see the need to use additional powers. However, should something come to my attention that requires additional work then absolutely I can still investigate those powers.

ROYAL ADELAIDE HOSPITAL SITE REDEVELOPMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): My question is to the Premier. Does the Premier stand by his statement to the media on 20 September in relation to the old Royal Adelaide Hospital redevelopment proposal from Commercial and General and John Holland that it was an 'absolute fantasy' and a 'joke' that the developers had offered to remove the private residential apartments from their proposal?

Mr Pisoni: The Premier made the comment.

The SPEAKER: I call to order the member for Unley.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:41): The circumstances around the process there are fairly clear. There was a process that ultimately led to a particular group being a preferred group for negotiation with the government. They put certain proposals to the government, which included a particular vision for the site. That remained essentially, so far as we were concerned, the basis for the ongoing discussions, from which ultimately, as everybody knows, the government formed the view that it didn't represent, in the end, sufficient value for the community for the government to proceed with that arrangement.

Everybody would be aware from media reports that the original proposal put forward by that consortium contained a number of apartments, a substantial number of apartments actually. I think the proposal involved the concept of a 99-year lease for potential acquirers of those apartments. So far as I am aware, there has never been a suggestion that the proponents had abandoned or walked away from that proposition. So far as I am aware, that was always an underpinning aspect of the proposal that they put to government, and the suggestion that that had been withdrawn is, with respect, not correct.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today pupils from Booleroo Centre District School, who are guests of the member for Stuart.

Question Time

ROYAL ADELAIDE HOSPITAL SITE REDEVELOPMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:44): My question is again to the Premier. When the Premier stated on 30 October 2016 that the old Royal Adelaide Hospital redevelopment proposal 'met all of the expectations of the community', did he believe it was a value for money proposal and, if so, why has the government now withdrawn its support for this proposal?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister

for the City of Adelaide) (14:44): Let's go through a little bit of history here. This process began, as I understand it, in around June 2015, whereby the government released an expression of interest process that was predicated on a master plan the government had already determined for the site.

Indeed, the master planning for the site in part had been informed by the design competition that had occurred previously. That had established the notion of there being a need for north and south axes for the site, it had established the need for the site to be opened up to the Parklands and the botanical gardens and it had opened up the need for an east-west axis as well on the site, so there were fundamental propositions that were contained there. Of course, another aspect of that, as I recall, was the heritage buildings. The fabric of the heritage buildings had to be retained.

That went through a process, and then ultimately we get to October 2016 when a particular joint venture proposal became the preferred proponent. 'Preferred proponent' doesn't mean we have signed an agreement with you. It means that we have selected you out of the number of other people who have come forward to have further conversations with because we think the conversation with you appears at this point to be the most likely of all of them to go somewhere. It doesn't mean that it is going anywhere, but it means that it's worth talking some more.

The original proposal, in terms of dollars, that was being put forward by the consortium to the government was at substantial variance to the ultimate proposition that the consortium put to the government in terms of dollars. That obviously was a matter that was important and weighed in the balance amongst other considerations as to whether or not the public were getting good value for money. By any definition, this site is a site that the public would expect the government to treat with absolute care and the best possible attention.

The position is that whatever might have been the proponent's initial bargaining position with the government in 2016 changed, and that position changed to the point where it was necessary and appropriate for the government to consider whether it continued to be something the government wished to entertain. As we all know, the government resolved that in the circumstances we would be best placed in the interests of the community to do that ourselves.

ROYAL ADELAIDE HOSPITAL SITE REDEVELOPMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:48): Supplementary: is the Attorney-General suggesting to this house that the original deal from C&G, which was acclaimed by the government in October 2016, offered value for money but that that offer deteriorated to the point that the government had to move away from the contract?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:48): No, I won't be verballed in that way. What I am saying is that the original proposal put forward by the proponent was sufficiently interesting to warrant the government entering into bona fide detailed conversations with the proponent.

Those detailed conversations ultimately, as I explained before, led to a position where the amount of money being offered by the proponent was substantially less—not quite 50 per cent less, but substantially less—than the amount of money that was originally discussed at the time that the government entered into that exclusive dealing conversation with the proponent, so at no time was the proponent in a position where the government had effected a deal or executed a deal or made a determination that there was a deal.

What happened in 2016 was that the government was satisfied that, of the range of people who had come forward, this particular proposal had the most probability of being one that we could satisfactorily work further with, and that is what we did. But, in the end, we were not satisfied. It is our responsibility, on behalf of the people, to actually be prepared to say no sometimes when something does not represent what appears to be best value for money.

Members interjecting:

The Hon. J.R. RAU: That is the situation.

The SPEAKER: I call to order, for interjecting during that answer, the leader, the deputy leader, the member for Davenport and the members for Hartley and Schubert. Leader.

ROYAL ADELAIDE HOSPITAL SITE REDEVELOPMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:50): Supplementary: at any time did C&G take their original offer off the table?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:50): I am going to be careful answering this question because I am not sure whether there is any magic in the terms 'original offer' and 'off the table'. I am not quite sure what that means. But, can I go back—

Mr Marshall: You don't know what 'take it off the table' means?

Mr Gardner: Seriously?

The Hon. J.R. RAU: I know what I think it means.

Members interjecting:

The SPEAKER: The leader is warned and the member for Morialta is called to order.

The Hon. J.R. RAU: The leader—

Members interjecting:

The SPEAKER: The member for Davenport I warn.

The Hon. J.R. RAU: What I am trying to say to the leader is that I know what I would mean if I was using those terms; I am not quite sure I know what the leader means. So I will answer it in a way that makes no possibility for misunderstanding. There was a proposal from the proponents which formed the basis for a decision by government that we should negotiate further with them in good faith, potentially getting to the point where there would be an agreement. As it turned out, by the time that process had finished the proposition that was originally advanced by the proponents was not what was being offered.

Members interjecting:

The SPEAKER: The member for Morialta I warn, and the leader I warn for the second and the last time. The member for Newland.

BIG BANKS CAMPAIGN

The Hon. T.R. KENYON (Newland) (14:52): My question is to the Premier. Is the big banks campaign consistent with recent economic developments?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:52): I thank the honourable member for his question. In just over three weeks' time, General Motors Holden will cease making cars in South Australia and this will spell the end of our car assembly industry in this state. It is a very signal moment in our state's history. It should never have happened and we campaigned to prevent it from happening but, nevertheless, it's a reality and it's a reality that we have had to grapple with. That's what we have been working incredibly hard at for the last few years, seeking to create new jobs and new opportunities in this South Australian economy.

Recently, what we have seen is some real vigour in the South Australian economy and it puts the lie to the campaign that is being waged by the big banks and Business SA, with the financial support of the big banks. What we have seen recently in South Australia has been extraordinary:

- the sale of Arrium to Liberty House, saving thousands of jobs in Whyalla. That same company is making a key investment in Zen Energy, a local energy retailer, which will provide the capacity to provide contracts in that sector to firm industrial customers. This is an extraordinary development in the energy sector in this country;

- SolarReserve's decision to invest $650 million in solar thermal in Port Augusta, creating 700 jobs in Upper Spencer Gulf;
- the $155.6 million Northern Adelaide Irrigation Scheme, creating 3,700 jobs, backed by both the state and federal governments;
- Tesla and Neoen, investing in a battery co-located with the Hornsdale wind farm at Jamestown;
- SkyCity's go-ahead on the $330 million upgrade of the Adelaide Casino;
- OZ Minerals' decision to invest more than $900 million in the Carrapateena copper mine, the largest new copper mine in this country for decades;
- BHP committing $600 million to increase production at Olympic Dam; and
- this week, the world's biggest space conference descending upon Adelaide as thousands of delegates empty their wallets in the city streets and the city bars and restaurants here. Crucially, it has been the scene of the announcement of the establishment of a national space agency, one that we have been campaigning for consistently and one which now has a very strong chance of using South Australia as its key industry node.

We know that the big banks, Business SA and those opposite must cringe every time they hear this fantastic news, and it has been happening one after another over the last few months. My government will not be bullied by cashed-up big businesses or by people who see it in their economic interests to talk down the state.

This recent good news has been reflected in recent employment data. In mid-2015, our unemployment rate sat at an unacceptably high rate of 8.2 per cent. Those opposite were calling it heading towards double-digit unemployment. Now we can report that our unemployment rate sits at 5.7 per cent. Only New South Wales has a lower rate of unemployment. We have seen 23 consecutive months of jobs growth. Almost 15,000 more South Australians are in jobs now than was the case 12 months ago.

And we are continuing to push in those sectors of the South Australian economy that are growing—industries like defence and shipbuilding, renewable energy and mining, health and biomedical research, tourism, food and wine, IT and high-tech manufacturing—with all of those sectors supported by our $200 million jobs fund. We are the party that is looking to future technologies, not the past. We are not handing around lumps of coal. What we are doing is getting on with the business of creating the jobs and technologies of the future. We are putting South Australia's interests first.

OVERSEAS BUSINESS MISSION

The Hon. A. PICCOLO (Light) (14:56): My question is to the Treasurer. Can the Treasurer update the house on his recent overseas mission?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:57): It is an important question. Last week, I returned from the United Kingdom and the United States where I followed up on what has been a massive 12 months of achievements and unprecedented investments in our state.

The mission began in the United Kingdom, where I toured half a dozen businesses recently acquired by the new owners of the Whyalla steelworks, the SIMEC and Gupta Family Group. From Leamington Spa in the Midlands to the Uskmouth Power Station in South Wales, we witnessed the rapid expansion of GFG and SIMEC's manufacturing and steelmaking operations that the Whyalla steelworks will be integrated with.

The GFG-SIMEC alliance has acquired numerous distressed manufacturing assets throughout the United Kingdom and the effects they are having in turning those businesses around to become profit-making enterprises are remarkable. They have an impressive range of high-end

manufacturing component suppliers. From Formula 1 to A380 components, to sheet-rolling and biomass plant modifications, GFG and SIMEC have come a long way in the past 24 months.

It was clear from our tour that this is a company that is really about value-adding to steel manufacturing and investing in renewable energy and infrastructure to manufacture what they call green steel. Touring their operation in the United Kingdom gave me great confidence that the GFG and SIMEC network was the one that Whyalla could be fully integrated into.

Also in London, we attended a very entertaining networking event hosted by the industry minister at Australia House before enjoying a very lovely dinner with Sir Lynton Crosby AO where we discussed local, national and international politics, and he has a wide range of views about politics, especially local South Australian politics.

I also took the opportunity to meet with Lloyds Bank and insurance firm Aon's headquarters in London from where we travelled to New York where we met with energy secretary Richard Kauffman, who heads up New York Governor Andrew Cuomo's energy division. The challenges that are being faced by Australia are similar to those being faced in the United States and Mr Kauffman was very open with what his team was doing to deal with the rapid transformation in the energy sector in New York.

I also presented South Australia's Hydrogen Roadmap to international industry leaders at the Hydrogen Council dinner and discussed the future of the renewable energy industry on a panel with international CEO and President of Ceres, Mindy Lubber, at Climate Week.

At these events, it was clear that our state has a reputation as being at the forefront of energy transformation and climate policy. From there, we travelled to California, where I visited SolarReserve's head office in Santa Monica and received a detailed update from chief executive, Kevin Smith, and senior vice president, Tom Georgis, on how the Port Augusta solar thermal project was tracking.

We also met with Tesla executives in San Francisco and visited the company's Fremont plant, where the Model X, Model S and Model 3 vehicles are being manufactured. I have to say the Fremont factory is definitely a unique experience; Tesla builds nearly every single component of the car in that plant. From there, we headed to Nevada, where we toured the Gigafactory and saw firsthand how our world-leading lithium ion battery was being assembled.

There are many doubters about Tesla and their capabilities, especially from some members opposite. However, the scale, scope and ambition of the company is truly inspiring. The management and staff have a real sense of excitement and pride about what they are doing here in South Australia with our battery installation. There were photographs peppered across the Gigafactory of South Australia and Jamestown.

This government has the renewable resources and the policy settings, and they have technology and the know-how to deliver world-leading energy solutions and storage capabilities. These partnerships are helping build our economy, lower power prices and give some stability to the grid.

The SPEAKER: The minister's time has expired. The member for Ashford.

INVESTMENT ATTRACTION AGENCY

The Hon. S.W. KEY (Ashford) (15:01): My question is directed to the Minister for Investment and Trade. Minister, are you able to update the house on how the Investment Attraction agency has created 6,000 jobs in South Australia?

The SPEAKER: Can the minister help the house on that?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence and Space Industries, Minister for Health Industries, Minister for Veterans' Affairs) (15:01): Thank you, Mr Speaker, and I thank the member for Ashford for her question. It is pleasing to follow on from the Premier and the Treasurer because the Investment Attraction agency, which was officially launched in October 2015 as the state's dedicated point of contact for businesses and investors, has overachieved.

The agency was given a clear mandate to drive forward investment for South Australia, investment that created high value-adding industries and sustainable jobs. IASA provides an excellent support service including bespoke skills packages and financial incentives to help bring new and transformational projects to the state. In less than two years, the Investment Attraction agency has secured 20 major projects.

These projects combined equate to an impressive $1.127 billion in capital investment, which will contribute an estimated $5.7 billion worth of investment to the state. These projects deliver significant strategic and economic benefits to South Australia in industries such as manufacturing, information technology, cybersecurity, financial services, renewable energy, horticulture and agriculture. The agency has secured some of the world's highest profile companies, including names like Boeing, NEC, Babcock, Datacom and Ingham's.

This injection of inward investment to the state has led to an impressive number of new jobs for South Australia. The agency was charged with a target of creating 6,000 jobs by the end of this year, and they have already done so well ahead of year's end. I am pleased to say that those 6,000 jobs are either in place now or about to commence ahead of schedule, as I said, by early September. The chief executive, Mike Hnyda, and his experienced business development team have worked tirelessly to deliver those jobs and associated investment.

There are more projects in the pipeline, and I will have more to say about that shortly. Strong customer focus, in-depth understanding of the state's economy and leveraging the experience and networks of our staff and our global advisory board have all been pivotal factors to the investment agency's success. I thank Rob Chapman, chairman, and all board members for their wonderful efforts and wish them particularly well on the weekend by the way.

But none of that effort undertaken by Mr Hnyda and his team would have paid off unless South Australia had something unique to offer, unless South Australia was a good place to invest. It is our unique advantages that make our state rich in opportunity for that very investment from interstate and around the world—and it is rolling in. The investment agency tells me their phones have been ringing strongly in recent weeks and recent months, flying in the face of commentary from the banks and their friends opposite, who are talking down the state in complete conflict with the facts, in complete conflict with the truth. When I lead—

The SPEAKER: The minister will not debate the answer; he will provide the house with information.

The Hon. M.L.J. HAMILTON-SMITH: Thank you, sir. When I lead outbound missions offshore, I am heartened by the fact that both private enterprise and governments are keen to invest in the state because of our competitive business environment, our enviable lifestyle, skilled and educated workforce, culture of innovation and advanced manufacturing capabilities underpinned by three magnificent universities.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:05): My question is to the Premier. Who is conducting the inquiry into the recruitment process in your department, which the Attorney-General advised today has been established by the chief executive? When do you expect a report on that to be available?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:05): First of all, can I refer to the ministerial statement I made earlier on, and I won't repeat all that I said in that statement, for which some members at least will be grateful. The point of that statement was—and perhaps I will emphasise it—that the chief executive of the Department of the Premier and Cabinet was inquiring into the question of recruitment across government, not just in DPC. His directions, which he has already promulgated as detailed in my statement, apply across government. So it is not going to be just a matter of DPC being affected by the changes the chief executive is putting forward. They are changes which apply across government.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06): Is anyone inquiring into the recruitment of the two persons who have now been dismissed?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:06): Yes, there was an investigation of that matter. The matter, in fact, was investigated upon the initiative of members of the Department of the Premier and Cabinet, and for reasons I have explained I am not going to go into the particulars of those matters. If my recollection is correct, I had a chronology of dates contained in my ministerial statement.

The chief executive dealt fairly or very promptly with those matters and, if I remember correctly, in my ministerial statement I indicated that there was a particular day in September as a point in time at which the question about the conduct and competence of the individual concerned was initially raised. Within a few days of that, there had been various inquiries and, if I'm not mistaken, my statement indicated that on a particular day—and again, I'm doing this from memory—18 September, the chief executive took action under a particular provision of the Public Sector Act and dismissed the individual concerned. The compass, from identification of the issue to having disposed of the matter pursuant to the provisions of the Public Sector Act, is a matter of something in the order of a week or 10 days.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:08): Supplementary: the Attorney-General said in his ministerial statement that the chief executive of DPC established an immediate inquiry into recruitment processes that resulted in this employment, referring to the two persons that you have just described, and then ordered further appointments to be subject to various things. Who conducted that inquiry? Was it Mr Russell himself, or was it someone else and, if so, who was it?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:08): I will attempt to ascertain more information about that because–

Mr Gardner interjecting:

The SPEAKER: The member for Morialta is warned for the second and final time.

The Hon. J.R. RAU: If I can just assist the member for Morialta and possibly others, under the Public Sector Act the chief executive of each department is the person who hires or fires in that department and they make investigations about their staff as and when they see fit.

Dr Russell, on my understanding of things, I am advised, was the person who initiated and took responsibility for the investigations and formulated a view as to what the responses should be and then promulgated amongst his staff and all other public sector agencies a new set of rules which is to apply to everybody. If the deputy leader is not happy with that as an answer and wants to know who else in DPC Dr Russell spoke to to assist him in those matters, notwithstanding the fact that it was his inquiry in the sense that he was the initiator and the driving force in the inquiry, I am sure he would have had administrative or secretarial support. I am sure that he may have spoken to a number of people.

My understanding, however, is that Dr Russell himself was the person undertaking the inquiry. That said, I will ask Dr Russell to have a look at a copy of today's *Hansard,* and if my understanding of his role in the matter is mistaken I will bring further advice to the parliament as soon as I can find out.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:10): Supplementary: was Mr Don Russell a member of the panel or the approving party for the appointment of Veronica Theriault or the contractor, both of whom subsequently were dismissed?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:11): I would have to seek advice on that matter.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:11): My question is to the Premier. Did the Department of the Premier and Cabinet request a police check for Ms Veronica Theriault when she was appointed as the Chief Information Officer?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:11): We are now getting into matters which, as I foreshadowed in my ministerial statement—

Ms Chapman interjecting:

The Hon. J.R. RAU: You did mention earlier this morning, Mr Speaker, that a certain Mr Bevan may be watching, so for his benefit can I just say that there are proceedings before the criminal courts presently based on particular circumstances that we are now discussing. It is very important that every individual who is in the position of being tried before the criminal courts has a fair trial and not a trial during which unhelpful additional material is put into the public domain by me or the parliament, so I am not going to be canvassing particulars of this matter. It is very important that all of us don't publicly canvass particulars of this matter to allow for due process to be afforded to the people involved.

Mr Knoll interjecting:

The SPEAKER: The komitadji from Schubert is warned. I know he is exuberant because the Angaston Reserves won the premiership. The deputy leader.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:13): Supplementary to the Attorney-General: when the Attorney-General says that all future senior appointments are to be subject to detailed police and security checks, he can tell us that but he can't tell us whether they have been in the past.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:13): I am not in a position, for the reason I have just tried to explain—

Mr Marshall interjecting:

The SPEAKER: The leader is on two warnings.

Mr Duluk interjecting:

The SPEAKER: I'm sure the leader doesn't wish to be the first member suspended from the house under the new dispensation, and I warn that ebullient Sturt supporter up the back, the member for Davenport, for the second and final time. Deputy Premier.

The Hon. J.R. RAU: Yes, as I have said, I am not going to be in a position where I am canvassing matters about this particular case for the reasons I have just explained. If the question were to be characterised as a question about how are new practices different from other practices in general terms, I will seek advice from Dr Russell.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:14): My question is to the Premier. Can the Premier tell us when he was made aware of the problem of the employment of Ms Theriault?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:14): If it were possible for me to say the same thing in several different languages and still be within standing orders, I would attempt to do that. I will say it again: the circumstances of this particular matter are the subject of proceedings in the criminal courts. It is not appropriate or useful, indeed it might be very contrary to the interests of justice, for us to canvass particulars of this case in the public domain.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:15): To the Premier or the Attorney-General: did Ms Theriault have access to cabinet documents through her work as the Chief Information Officer?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:15): I am going to take a really big swing at this and say that I think I have covered that.

SAFEWORK SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:15): My question is again to the Premier. Has the Premier read the DPP's report—you directed that there be an inquiry into the failed prosecutions of SafeWork SA since 2010—and will you table it?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:16): Again, I am not quite sure what the question is about, but I did make a ministerial statement today that actually canvassed exactly where we are up to in relation to SafeWork SA, and I stand by that statement.

TICKET SCALPING

Ms BEDFORD (Florey) (15:16): My question is to the Attorney-General in his capacity as Minister for Consumer and Business Services. In light of far too many recent cases involving the sale and resale of tickets to concerts and sporting events, what will you do to strengthen consumer laws, at the state and national levels, to prevent dodgy pricing practices and online ticket purchases and guard against fraud, particularly where tickets are sold and resold by third parties?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:17): I thank the honourable member for her question. This is a matter that is of some concern to all of us. I would just like to put some context around the current regulation and what the circumstances are. Can I start off by saying that the one thing we have been lacking—and my ministerial colleague the minister for tourism, recreation and sport, has made this point on many occasions—is a bunch of people coming forward complaining.

What the police are looking for, if they are to investigate matters of this type, is a complainant who can provide particulars of the offence, who can tell the police exactly what happened and who can give evidence in court, if it should be necessary, to establish the facts of any particular case. That is an important matter because, in the absence of a complainant, it should be evident to everybody that it is pretty hard for any prosecution to go forward. That is the first point. The second point is that some years ago, in the lead-up to a particular sporting event, which I think was world cricket—

The Hon. L.W.K. Bignell: World cup cricket.

The Hon. J.R. RAU: —world cup cricket—there was a conversation between national cricket bodies and the South Australian government. The conversation was along the lines that, in order for

South Australia to be considered as an appropriate or an adequate venue for one of these events to occur, their sponsors needed not to be put in a position where they were subjected to what I think is called 'ambush marketing'. This was a prerequisite for our being a participant in that event.

So what happened, Mr Speaker, as you no doubt would recall, was that the parliament considered the question of ambush marketing and for that purpose actually passed legislation which was designed to provide for an opportunity to prescribe particular events as being events which were protected for the purposes of ambush marketing type tactics. That discretion rests with my ministerial colleague, as it should, because I am nowhere near as wise on matters of sport.

Members interjecting:

The Hon. J.R. RAU: He knows about them. In fact, I have seen a video of him on YouTube actually catching a football and possibly even a cricket ball. He appears to be able to have that knack of being at sporting events just when the ball comes over the fence, to be in a very visible costume and to be able to capture the ball. It is quite a knack. The point is that we have two completely different problems going on here: one is a problem of ambush marketing, about which we presently do not have complaints; another one is essentially one of exploitation of individuals through some form of—I will use the vernacular—'scalping'. We do not have complaints, at least as far as I am aware, anywhere in government—

Mr Whetstone: Yes, but that's because you get free tickets.

The Hon. J.R. RAU: —of people having been victims of scalping. If somebody can identify an area of the law where—

The SPEAKER: Yes, whoever tapped the glass is right: the minister's time has expired. I call to order the member for Chaffey and the member for Mitchell. Deputy leader.

Ms Bedford interjecting:

The SPEAKER: I'm sorry, is there a—

Ms BEDFORD: I have a supplementary question to that question.

The SPEAKER: I'm sorry. Supplementary, member for Florey.

TICKET SCALPING

Ms BEDFORD (Florey) (15:21): I know I'm not very tall, but I am standing. In light of your answer, Attorney, and in the absence of any cases being reported or prosecuted by police, are you actually telling this house that you are not satisfied there are unlawful practices taking place and that there is nothing that you can do?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:22): I am not saying—sorry, Mr Speaker.

The SPEAKER: I will allow the question, but I think the answer to it is obvious from the first answer.

The Hon. J.R. RAU: I'm not saying that at all, but what I am saying is that if there is any breach of any law the police will not investigate that in the abstract; they will investigate that on the basis of a complaint, and—

The SPEAKER: I think the Deputy Premier has answered the question. Deputy leader.

SAFEWORK SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:22): Thank you, sir. My question is again to the Premier. Given the Premier directed the SafeWork SA inquiry which has been reported on today, what action has the Premier taken on the increased number of workplace deaths to 23 during 2016 and already 12 this year?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:22): I tried to outline in the statement I made to the parliament before question time that the government has acknowledged, indeed for some time, that improvement needed to occur in the way in which SafeWork SA went about its business.

We had a circumstance some years ago, which I was very open with the parliament about, where, due to what was described as 'an administrative error', there was a defect in certain complaints issued against individual defendants, who subsequently were able to avoid those complaints—or would have been able to avoid those complaints—because of the fluxion of time. In fact, we had to come back to the parliament to ask for an extension of time in those two cases, one of which was about a fatality and the other about a very, very serious injury. So our concern about SafeWork SA being able to deliver the best possible service it can to the community goes back some time.

We separated the investigative arm of SafeWork and the educational arm of SafeWork so that we could have dedicated teams doing very specific work, rather than have people who were trying to be all things to all people. As I indicated in my answer, after the abandonment of the prosecution that was expected in the case of that terrible incident at the new hospital, the Premier and I discussed the need for an appropriate investigation of what had gone wrong in that case in order for us to be able to take steps urgently to rectify any deficiencies in, essentially, the training and the skills complement of the staff in SafeWork SA. My report, given to this chamber at the beginning of question time, was an update on how that is progressing.

MEMBER FOR MOUNT GAMBIER

The Hon. J.M. RANKINE (Wright) (15:25): My question is to the member for Mount Gambier. Has the member for Mount Gambier amended his Register of Members' Interests regarding any financial benefit, use of property, any contributions made to funds for the member's benefit, investments or gifts?

Mr BELL (Mount Gambier) (15:25): Yes, I have.

BUILDING AUDIT

Mr PISONI (Unley) (15:25): My question is to the Premier. Will the Premier now organise the release of the audit into buildings in Adelaide identified as being clad with aluminium composite panels and, if not, could he explain why not?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:26): Mr Speaker, it isn't my birthday, is it? It feels that way.

The SPEAKER: It's the Deputy Premier's show today.

The Hon. J.R. RAU: It's been quite a day, but can I assure Mr Bevan, if he is watching, that I am not doing this just for his benefit. These are not prearranged questions for me. The situation in relation to the cladding—

The SPEAKER: The Deputy Premier will, by extension of the rule against referring to people in the gallery—

The Hon. J.R. RAU: Stop referring to Mr Bevan.

The SPEAKER: I call the Deputy Premier to order for referring to a person amongst our vast listening audience.

The Hon. J.R. RAU: Very well. Thank you. I consider myself duly chastised. In relation to the cladding, we went through a process, which I think I explained a few weeks back, in the company of the Lord Mayor and the head of the MFS. The process was to go through and identify—we are starting with the city—when I am talking about the city I mean the Corporation of the City of

Adelaide—and we are looking at multistorey buildings because Adelaide is where most of the multistorey buildings are, so we are starting there.

We started off with about 4,000 buildings. We then collapsed that number to the point where there were, I think, 77 buildings, which were of further interest. By 'further interest' we don't mean there is something wrong with them, we don't mean they are unsafe, we mean they warrant further consideration. That's all we mean. That was phase 1 of the audit we have undertaken. We are now in phase 2. We are actually going to individual buildings and what we are doing is looking at those buildings and asking ourselves a question like: has the Australian building and construction code been observed in the construction method applied to this building?

Because, if it has, it is important to recognise that the material that people are interested in is not illegal or dangerous per se. This material is illegal in some circumstances. It is dangerous if not used in accordance with appropriate building rules, but if employed appropriately with appropriate building rules, like fire escapes and appropriate sprinklers and all these other things, which our building code does provide for, then these products are not unsafe products.

What we are doing is working through that phase now. What I have not sought to do and what the government has been at pains not to do, contrary to the opposition and in particular the member for Bragg, is to try to alarm people who live in multistorey buildings in the City of Adelaide—

Mr GARDNER: Point of order, standing order 98: the minister is no longer answering the question but debating the issue and impugning improper motive on members, including the deputy leader.

The SPEAKER: Imputing improper motive.

Mr GARDNER: Imputing improper motive—correct, sir.

The Hon. J.R. RAU: I am confident of that: it's not an imputation, really, but I can withdraw it if you want.

The SPEAKER: I will listen carefully.

The Hon. J.R. RAU: The point is this: we don't want to run around alarming and frightening people who probably are living—almost certainly according to the MFS, I might add—in perfectly safe buildings.

Mr GARDNER: Point of order.

The Hon. J.R. RAU: I am answering the question, Mr Speaker.

The SPEAKER: I think the Deputy Premier appears to be being germane. It was what he was asked, isn't it?

Mr GARDNER: In saying that we don't want to do and then going on to repeat the allegation he had immediately made before, he was repeating the offence, in my view.

The SPEAKER: In that the Deputy Premier was imputing that the opposition was scaring people?

Mr GARDNER: He even named members.

The SPEAKER: I would counsel the minister against that.

The Hon. J.R. RAU: Can I say for the benefit of our new viewers that I was only talking about those people to whom this comment refers and I will allow those who listen to the radio to work out who I am talking about. Those people who have been deliberately trying to frighten people who live in multistorey buildings, completely reckless as to the impact it has on those people's property values, reckless as to how they feel—

The SPEAKER: The member's time, alas, has expired.

The Hon. J.R. RAU: What a shame.

ROYAL ADELAIDE HOSPITAL

Mr PISONI (Unley) (15:30): Supplementary: will the Premier then confirm that no such cladding has been used on the new Royal Adelaide Hospital?

The SPEAKER: I should explain for the benefit of viewers that the standing order is that, though the question may be directed to the Premier or to a minister, any minister in the government may answer the question. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:31): I appear to be unusually representing the government today, but that won't be every day, so they can be happy about that. As I explained previously, there was a media conference. My recollection is that it was around the 25th or thereabouts of August, something like that. I believe it was reported in the media. I believe I was there with the chief fire officer and with the Lord Mayor. At that conference, we answered all of these questions and we went to some length to explain them, but I will repeat what the chief fire officer said nearly a month ago—in fact, over a month ago—because the member for Unley may not have been watching TV that night.

What he said was that it is believed that a number of buildings in the city contain aluminium composite panels and that includes the Royal Adelaide Hospital. I think he said they were looking at whether or not any of it was in the Adelaide Oval complex. They are looking all over the place. Then the question was asked: are you worried about the fact that this material has been used in the Royal Adelaide Hospital? His answer was:

> No, we are not. We have not seen anything to indicate that there is any safety issue whatsoever relating to this material in any place we have seen it, including the Royal Adelaide Hospital.

So that is the most recent state of affairs. I can assure the parliament that if the government becomes aware that any building, whether it be a public building or a private building, is a building about which the Metropolitan Fire Service has concerns, that building will immediately be the subject of action by the MFS and by the government, and, if we are provided with that information, we will not be sitting on our hands and doing nothing. But, as at the present time, the MFS have been very, very clear that they don't have any particular issue with any of the buildings they have looked at.

The second phase of the audit, which is presently being undertaken, will be looking in some greater detail. What they have told me is that some of these buildings may have some of this material on it, but only in relation to a particular feature of the building and not the whole building, just an awning or something of that nature, so that is progressing.

The short answer now is: the MFS has been looking into this and the MFS has told me, in so many words, that they are not concerned about those buildings or any other buildings in particular. They will continue to look and if they find anything that they are worried about, they will tell us, because it is their duty to tell us, and they will tell the owners of the buildings and the insurers of the buildings and the occupants of the buildings. That is what we intend to do.

As for those who want to go around scaring and frightening people because they live in buildings which are perfectly safe, we are not going to—

The SPEAKER: Deputy Premier, I think I have cautioned you about going down that road.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (15:35): Supplementary: can the Attorney-General inform the parliament who the certifiers of the cladding on the new Royal Adelaide Hospital were, the people who certified that the cladding complied with the National Building Code, and will the government release the certification that the cladding complies?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:35): I will find out who the certifiers were and I will find out about the nature of the public access to that certification.

MEMBER FOR MOUNT GAMBIER

The Hon. J.M. RANKINE (Wright) (15:36): My question is to the member for Mount Gambier. Has the member for Mount Gambier updated his pecuniary interest register to disclose the benefits that are the subject of proceedings against him by the DPP?

The SPEAKER: The member for Mount Gambier wishes to answer?

Mr BELL (Mount Gambier) (15:37): Because this matter is before the courts, I will be making no further comment on this question or any other question. I find it a little bit distressing, the level that this member will go to paint me in a bad light, knowing full well that we have just had the Attorney-General talk about issues before the court not receiving airplay or commentary in this place. As I stated in my personal explanation, I deny any dishonesty, I deny any wrongdoing and, because this matter is before the courts, I will not be answering any questions related to it. I would ask the member, who has been a minister, to show the same respect that I would show her if she were in such a situation.

Grievance Debate

RIVERLAND ICE FORUM

Mr WHETSTONE (Chaffey) (15:38): Today, I rise to speak about a scourge that is creeping its way into the electorate of Chaffey, but more importantly it is a scourge that is creeping its way into today's society, and that is the use of and addiction to crystal methamphetamine, known as ice. It is having a huge impact on the Riverland and the Mallee communities.

On Sunday, along with Project Ice Riverland, I assisted with the Riverland ice task force in organising a public forum in which we introduced the Matrix program to the local community. We invited PsychMed, headed up by Dr Quentin Black, to come to the Riverland and present the matrix program and to give the community an understanding of the benefits that it would have in a regional community.

He was ably assisted by Dr Phil Townshend, a clinical psychologist. We also had some Lived Experience Workers come up who had been impacted by the scourge of ice addiction and the impacts that it has not only on families and communities but on South Australia as a whole.

Project Ice in the Riverland is a collection of government and non-government organisations and community members. The forum is focused on exploring a potential solution to ongoing drug and alcohol uses in the Riverland, discussing the latest research and interventions and learning about the new pilot program addressing ice addiction. Through the public forum, we called out for the community to be a part of this process and the new Riverland drug action group is to be formed.

Recently, the Leader of the Opposition, Steven Marshall, member for Dunstan, travelled to the Riverland to announce that, if the Liberals were elected in 2018, the Riverland would have a community-based rehabilitation initiative called the Matrix program. This initiative has been running in metropolitan Adelaide and early reports suggest high levels of participant engagement with great success. The outpatient program could be supported by inpatient rapid detox beds in the Riverland region. The Matrix program has been used in the United States for more than 30 years and combines practical training for escaping addiction with frequent structured social support and the regular rewarding of participants' achievements.

In the Riverland, the pilot program will include supported detoxification, primarily in the outpatient setting, and participation in an intensive program involving regular attendance throughout the week. It is about keeping addicts and those people impacted by ice addiction busy. It is about keeping their minds active and giving them the best support possible so that they can rehabilitate and come out at the other end. It is about support from psychologists and recovered consumers. It is about those recovered consumers lending a hand and telling their story to give hope to those people who have been impacted by the scourge of ice. There will be ongoing random urine testing to provide verification of efforts to stay clean and rewards for those clean urine samples.

The Riverland has been overlooked for holding meetings by the state and federal government ice task forces. The issue is having a compounding effect—increased ice use to domestic violence, homelessness, mental health issues. The list goes on. It is having a huge effect

on small regional communities. Small Riverland communities in Chaffey are being touched on a day-to-day basis by the scourge of ice and ice addiction. Many hundreds of people attended the public forum held in 2015 at the Chaffey Theatre. We also had a public forum at Lameroo in the Mallee that was attended by many hundreds of people. Those forums are about the community engaging and the community lending a hand. They are about a community that is being engaged to help those who have been overcome by this illicit drug.

The feedback from the events was that 87 per cent of the people surveyed in the Riverland and Mallee do not believe that there are enough services or resources to tackle drug use in the Riverland. The state government recently announced that they would have 15 rehab beds in regional South Australia. Where are they? Where is the funding? Where are the wraparound services that are going to support those rehab beds? As I see it, so far, it was spin. It was an announcement with nothing backing up that announcement. Again, I applaud the Riverland community, the Mallee community, for its engagement and its willingness to help.

Time expired.

FLINDERS MEDICAL CENTRE UPGRADE

Ms COOK (Fisher) (15:43): I rise today to congratulate the Premier, together with the former health minister (member for Playford) and minister Malinauskas, on the new state-of-the-art health facilities at the Flinders Medical Centre. I also wish to thank the many residents and health workers who have contributed to the planning and implementation through the provision of objective and always useful and thoughtful feedback and questions throughout the delivery of this facility upgrade.

I visited the site several times, but last Sunday I was able to see a nearly ready for use state-of-the-art facility as well as being able to use the enormous car park. Many residents of my electorate, and indeed the southern suburbs more broadly, utilise the Flinders Medical Centre, and I am thrilled to be part of a government that has delivered better facilities and improved services on their behalf. The Weatherill government has invested more than $185 million in Flinders Medical Centre to improve patient outcomes and deliver an overall improvement in the health of local residents.

The new facilities include a 55-bed rehabilitation centre; a 15-bed palliative care facility, including a panoramic rooftop garden; as well as a 30-bed older persons mental health unit. The rehabilitation centre will include a state-of-the-art gymnasium and a new and improved hydrotherapy pool, as well as robotic equipment and aids. Patient family and friends from the palliative care ward will enjoy access to the panoramic rooftop garden, and a beautiful view of the coast and a breeze on their faces will be supremely therapeutic. This is in conjunction with all 15 beds enjoying the privacy of individual rooms and bathrooms, providing improved privacy for patients as seen in the design of our new Royal Adelaide Hospital—another milestone achievement of this Weatherill Labor government.

A palliative care consumer who lost her father at the Daw House Hospice was glowing in her reports of the care delivered when her father was a patient, but so grateful for future clients, who will now have complete privacy with their own rooms and bathrooms. Of course, all the time I was also thinking of the nurses who make dozens of bed moves every week in the current hospice in order to accommodate the varying needs of the vulnerable palliative care patients. This new facility will make their job so much easier and give time back to the bedside. The 30 single room beds of the older persons mental health unit will also feature private ensuites, expanded research and staff areas, as well as a large, brightly lit garden as the facility's centrepiece.

I know a significant point of contention in my electorate and more broadly certainly has been the access to parking at the Flinders Medical Centre. I am happy to report that the new 1,820-space car park has already opened, and it may be good that we now have a space agency planned because I am sure you can see the car park from space as it is so enormous.

The DEPUTY SPEAKER: Or space from the car park.

Ms COOK: Correct. This car park adds 1,260 more parking spaces than already exist and it will ensure sufficient capacity for new and improved services now being offered at the Flinders Medical Centre. It will also reduce the dreaded parking crunch when visiting loved ones in peak

periods. I felt as if I have been operating as the minister for car parking in the past two to three years, and I am so happy with the results of both my lobbying and that of the member for Elder on behalf of our constituents and our friends and colleagues.

Mr Duluk: I notice the local member didn't get an invite to the opening.

The DEPUTY SPEAKER: Order!

Ms COOK: The member for Davenport needs to listen and give the facts to his constituents.

The DEPUTY SPEAKER: No, I am in charge. Just keep going with your speech.

Ms COOK: I am extremely proud of these new facilities. As many in this place and beyond know, I have worked at the Flinders Medical Centre as an ICU registered nurse and after-hours coordinator over 12 years, along with 16 years in other parts of the health sector, and I always have informed my contributions in this place with this experience. Given my history with FMC, I have been a hardworking and earnest advocate for patients and health professionals who utilise the centre.

Health has played an important role in my life, and I have worked hard in Fisher these past three years as a voice for my community and ensuring developments such as these are given priority. Over this time, I have worked closely with the former minister for health, and I look forward to continuing that relationship with minister Malinauskas well into the future. But it is not just me as the member for Fisher who is singing the praises of the new Flinders Medical Centre facilities.

Indeed, many in our community are welcoming of these Labor initiatives. Sharon told me, 'Oh my God, the car park is amazing.' Sarah says, 'Loving the new car park! Thank you! We are all so lucky to have parking onsite and I really appreciate all the efforts.' Amie says, 'Today I woke up and I was super excited to come to work because of the car park.' The list goes on.

Labor takes the health of all South Australians extremely seriously, and I am proud to be part of a team that has helped deliver these fantastic facilities to help benefit both our hardworking health professionals and the members of our community in need of quality health care. It has been great also to work also with the members for Kaurna, Reynell, Mawson and fellow registered nurse, the member for Elder, fiercely loyal and determined advocates for the South.

AUSTRALIAN RULES FOOTBALL

Mr DULUK (Davenport) (15:48): I rise today to speak on an issue that has divided friends, colleagues and even some families. It is an issue that is close to the hearts of many South Australians, and it is an issue that has resulted in blood, sweat and tears for a few and eagerness and anticipation amongst the many.

The DEPUTY SPEAKER: I am guessing it is not calisthenics.

Mr DULUK: It is not calisthenics but close. It is the Adelaide Crows, who are on their way to win their third grand final this Saturday. The Crows have overcome adversity over the past few years and climbed to the top of the ladder this season. They played brilliantly on Friday night, defeating Geelong at the Adelaide Oval and, as a long-time Crows' supporter, I would like to wish the team all the best for the big dance on Saturday.

Celebrations are also in order for the Sturt Football Club who defeated Port Adelaide by one point in the SANFL grand final on Sunday and are now back-to-back premiers. I would also like to congratulate Fraser Evans, son of my predecessor in this place, on winning the Jack Oatey Medal for best on ground in the grand final. and I believe that Fraser is the first young Liberal to ever win the Jack Oatey Medal.

As recently as 2012, there was strong talk within the SANFL that Sturt might merge or need to move from its spiritual home at Unley following poor performances on and off the field. The club's turnaround has been truly amazing and credit must be given to its president, Jason Kilic, and general manager, Sue Dewing, for ensuring that Sturt is here to stay.

An AFL team like the Crows or an SANFL team like Sturt cannot play and win finals if we do not have strong local grassroots footy participation across the state—local clubs that run on the smell of an oily rag, dedicated volunteers and passionate and parochial supporters. In my local community

I would like to acknowledge the outstanding efforts of everyone who has been involved and contributed to the success of their local sporting club.

Congratulations to the Blackwood Football Club under its president, Jason Burns, on winning the 2017 Hills Football League A-grade premiership on Saturday. The Woods broke a 26-year drought by defeating Hahndorf by four points at Lobethal Oval on the weekend. The club had four teams out of a possible five playing grand final footy, with the Senior Colts also tasting premiership success.

Flagstaff Hill Football Club, also in my electorate, are now back-to-back premiers, defeating Noarlunga in the Southern Football League A-grade competition. 'Flaggy' has had an outstanding 2017 season under the leadership of Brett Charlesworth, with seven out of eight teams making it into the grand final and four succeeding in holding the premiership cup aloft. It is the second consecutive year that they have secured four premierships. The dedication and discipline that the Flagstaff Hill Football Club has shown on and off the field is a credit to all involved.

Local clubs cannot succeed without the generous support provided by local businesses, private donations and government support. There are some who criticise public expenditure on sport, but I believe it is critical to encourage South Australians to be active. However, clubs need appropriate facilities to ensure they attract and maintain members and participants. Many sporting facilities in my electorate need upgrading, especially the Hewett Oval which is home to Woods Panthers Netball Club, Coromandel Cricket Club and the Blackwood Tennis Club. Of course, the administrators and our volunteers in these groups go a long way to dealing with the bureaucratic process that they need to navigate in order to receive help from the Office for Recreation and Sport.

That is why I was pleased to host a sports roundtable recently with the Liberal candidate for Davenport, Steve Murray, and the Office for Recreation and Sport with many clubs in my electorate. Those that participated and came to the information session were Blackwood Calisthenics Club, Coromandel Ramblers Cricket Club, Blackwood Bowling Club, Bulls Baseball Club, Netherby Tennis Club, Belair Cheerleading, Eden Field Archers, Blackwood Football Club, Sturt Lions Soccer Club, Blackwood Tennis Club, Flagstaff Hill Community Centre, Blackwood Recreation Centre, Southern Hills Little Athletics Centre, Forestville Hockey Club, Cumberland United Women's Football Club.

The round table was a fantastic opportunity for representatives to learn more about the grants process and to share ideas about improving facilities and ultimately participation in all my local clubs. It is vital that we make every effort to encourage more sports participation in our community because it is through being active and participating in sport that we see our future leaders play in the SANFL and the AFL. On that note, go the Crows on Saturday!

The DEPUTY SPEAKER: I note that you did not mention anything about the Pooraka Bulls under 12 premiership, so I will just add that bit for you.

LIGHT ELECTORATE

The Hon. A. PICCOLO (Light) (15:53): Today, I would like to talk about a few matters of interest to my community. On Friday, along with the Hon. Susan Close MP, the Minister for Ageing, the Mayor for the City of Playford and also the Hon. Kelly Vincent MLC, I attended the opening of the Adelaide North Special School. This $12.4 million facility is purpose-built for students living with disability and was formerly located at Elizabeth. The minister paid tribute to all those involved in the design and construction of the new school, which is located adjacent to Mark Oliphant College which is also a very new school in the area.

The school principal, Mr Byron Stutt, was extremely proud on that day. He said it was his privilege to be involved in working with a number of people to bring this project to fruition. In his view, we now have a specialist education facility in the north that can showcase to fellow educators the best in teaching for people living with a disability in Australia. The special school is more than a building: it is also made up of some very wonderful teachers who make teaching their students their life's work.

Visiting the school, as I have a number of occasions, you can see the pride that teachers have in their school community. It is also supported by parents and friends. It was a great day,

attending the official opening of the school. I was also mindful of the philosophy of the school, which is to try to ensure that the child is developed using a whole range of programs.

Last week, I was also able to attend a special afternoon tea held at Trevu House in Gawler East. Trevu House is a nursing home. Afternoon tea was held to mark Dementia Awareness Month, which is in September. Obviously, Dementia Awareness Month seeks to raise awareness and support those living with dementia and also to help raise funds to find a cure for this disease. The campaign theme for this year was 'You are not alone,' and it is basically saying that people living with dementia are supported by the community.

One thing I would like to say about dementia is that it impacts not only those people living with dementia but also those people around them. It unfortunately robs those people with dementia of their ability to engage fully in the community; it also robs the family and friends of the person living with dementia of opportunities to discuss with them their life history, and what makes us human is our thoughts and memories.

The other thing to keep in mind when we are thinking about people living with dementia is the people whose job it is to care for them. We need to ensure that they are fully supported because only those carers who are fully supported can care for those in need. I would like to thank Trevu House for putting on that afternoon tea to highlight this important issue in our community.

There was another thing I was fortunate to do during the week. I was very proud and honoured to be invited to officially reopen the Wasleys Bowling Club clubrooms. The minister in front of me would know that the clubrooms were affected by the 25 November Pinery fires, as were other buildings in Wasleys. That committee has worked tirelessly to rebuild its facility. It is a magnificent facility and a credit to the committee, the architects and everybody involved. It shows the true grit of country communities, which pick themselves up off the ground when things get tough and rebuild, and they have certainly rebuilt this wonderful facility. The facility is not only for members of the club but it is also a beacon for the rebuilding of a community at large in that area.

As part of my research into the official opening, I acknowledge that the building was originally opened on the last Sunday of December 1935. It is well supported by volunteers, like most country communities. Again, I would like to congratulate the committee on the Wasleys Bowling Club.

HARTLEY ELECTORATE

Mr TARZIA (Hartley) (15:58): Today, I would like to start by congratulating the Campbelltown Uniting Church on the wonderful spring market that they held on the weekend. There was something for everyone at the spring market, be it craft, plants, home-baked goodies, vintage and retro stalls, a quilt display, refreshments, a barbecue, live music in the church, fairy floss, popcorn and face painting. Obviously, the church does a great job in raising funds for a whole variety of causes, and I commend them for their ongoing effort.

Recently, I had the pleasure of attending the amateur league Norwood Hotel Division 1 grand final between Rostrevor Old Collegians and, of course, my old junior football team, the only union I joined, the Payneham Norwood Union. It was a great game, let me say.

The DEPUTY SPEAKER: Was it a round ball?

Mr TARZIA: No, this is a football.

The Hon. P. Caica interjecting:

Mr TARZIA: 'The rocks', as the member for Colton is pointing out. I would like to congratulate both teams on putting up a mighty effort during the day. Of course, there can only be one winner on the day, so I would like to congratulate Rostrevor Old Collegians', who got the job done; their coach, Adrian Rocco; and also the players, and I would like to list them.

They are: Braden Allen, Daniel McCallum, Scott Gilbert, James Jordan, Mitchell Sutcliffe, Charles Jordan, Tom Hurley, Craig Holm, Tullio De Matteis, Brendan Littler, Ben Jonas, Will O'Malley, Paul Fantasia, Kieran Holland, Sam Jonas, Michael Coad, Oliver Wilkie, Anthony Medhurst, Nick Dinham, Jack Nelligan, Charlie O'Malley, Chris Pahl, Heath Commane, Tim

Baccanello and Luke Manuel. Well done to the boys at Rostrevor, and I hope to see them having another successful year next year.

I was also fortunate enough to attend the women's division 1 lacrosse final at Norwood Oval. East Torrens Payneham got the job done and won the prize. I would also like to congratulate them: their coach, Tony Hill; assistant coach, Zoe Le Mottee Robinson; and trainer, Neroli Mills. I congratulate the team: Vics Law, Jo Roberts, Rachel Hill, Kelly Dowd, Karina Camerlengo, Nicky Gardiner, Adelle Martin, Leah O'Reilly, Laura Vickery, Danielle Hunter, Samantha Wessling, Bethany Marks-Mildren, Petra Edwards, Kelsey Hoskin, Abbey Hughes, Jessica Read, Lara Camerlengo and Melissa Holty. Well done to the ladies involved. It was a great day at Norwood Oval.

While we are talking about sport, Deputy Speaker, you can see that I have my Crows tie on today. I would like to wish the Crows all the very best in the grand final this week against Richmond. I have no doubt that the Crows are going to come away with their third premiership victory. Good luck to the Adelaide Crows. I am sure that the whole state is behind them except, of course, for the Richmond supporters.

I also had the pleasure of attending the Madonna Di Montevergine feast on the weekend. Some say, and I am sure it is the case, that it is the biggest Italian feast in all Australia—some say even the world. I would like to especially thank all the volunteers and the sponsors who have put in so much work over the years to make sure that it is such a success. I would like to especially thank the executive committee.

They are: Domenico Zollo, the president; Fedele Catalano, the vice president and public officer; Maria Trajkovic, the secretary; Nicola Zollo, the vice secretary; Michele Piteo, the treasurer; John Placentino, the vice treasurer; Donato D'Ettorre, the public relations officer; Ennio Cavaiuolo, the icon and meetings coordinator; Giovanni Angelino, the liturgy coordinator; Michele Donato, the lottery committee representative; Anna Catalano, the ladies representative; Carmela Placentino, also a ladies representative; Carmine Scalzi, the bar manager; Orazio Tedesco, the grounds manager; and Mario Mignone, the festa banner representative.

I would also like to thank the members of the association for many years of doing a fantastic job at the feast, as well as the many dames of the Montevergine. It was an exceptional showcase of the tradition, the food and the culture, and it was a wonderful day for all involved. I look forward to seeing the feast continue to thrive. It is great to see not only some of the post-World War II migrants who made it out to the feast that day but also the sons and daughters, and grandsons and granddaughters, of those migrants. It is really important that we continue these feasts and these traditions. I commend all involved for another magnificent celebration.

COASTAL PATH

The Hon. P. CAICA (Colton) (16:03): Like many South Australians, on Friday morning I was sitting with the candidate for Colton, Angela Vaughan and, again like many South Australians, we were shocked and disappointed to learn that a group of residents won their case before the Supreme Court to block the construction of that section of the coastal path from Semaphore through to Grange. I believe that this section of the coastal path is the last section, if not amongst the last sections, to be finished.

Members of this chamber are aware that the coastal path is a shared path along our beautiful coastline that extends from North Haven to Sellicks Beach. I recall being at the launch of this project, which was held at Stella's in the lead-up to the 2002 election. The Hon. Diana Laidlaw was the then minister for planning. My wife, Annabel, and I were there as local residents, which we still are, and I was also there as the Labor candidate.

The coastal path was and remains a great initiative and has, in a political sense, enjoyed bipartisan support across all spheres of government, and why wouldn't it? It is a coastal path stretching some 70 kilometres, providing equality of access for all along what is a most remarkable coastline, one which we can all share and which all South Australians have a right to access.

As I understand it, the Supreme Court found that the City of Charles Sturt and the decision it made were contrary to the management plans, and accordingly are unlawful. Despite the fact that the council has consulted extensively—and I know this to be true—it erred by not consulting on the

path's final alignment, and council itself has acknowledged that this was seen as an error. I say, in my typical layman manner, that, while true, residents opposed to this development won their case on a technicality.

This group of residents refer to themselves as the Coastal Ecology Protection Group (CEPG). To me, this is a curious name that they have given themselves. I do not believe that they really are about protecting the coastal ecology. To me and many others, this group is about protecting their own habitat, or what they believe is their own habitat. They do not want a path out the front of their million-dollar homes. They do not want people walking, cycling or pushing their prams in and along what they see as their private domain—a private domain where many have planted lawn beyond their residential boundary on land owned by the Minister for Environment and under the care and control of council.

The proposed route of the coastal path does not encroach on their land. It is to traverse Crown land owned by the minister, as I said, on behalf of all South Australians. Some might say I am being a little bit harsh; well, I am not. In doing so, I will just refer to the article that appeared in *The Advertiser* last Friday that quoted a Tennyson resident who:

> …said he feared that building a coastal walk would cause unnecessary disturbance to the peaceful neighbourhood.
>
> "We have enough coastal walks around Adelaide, like Semaphore, Glenelg, we don't need another one," he said.
>
> "The construction would cause general disturbance, people buy their houses here to have peace and quiet, and their own beach."

Well, doesn't that say it all, Deputy Speaker? Does that not say it all? I would be very interested to know if this self-professed ecology group has ever volunteered with the Tennyson Dunes Group in undertaking the work on dunes, which in reality are the only remnant dunes that exist along our metropolitan coastline. This is where the real coastal ecology protection is being undertaken, and I congratulate the Tennyson Dunes Group on their outstanding work.

If it were not for the fact that we as a government dropped sand out the front of these people's homes, they would not have a beach, nor would they have the reclaimed land that has been created out the front of their houses. Their homes are actually built on sand dunes. Good for them that they are able to live on land which was once sand dunes. Also in the article I mentioned earlier, the CEPG spokeswoman is quoted as saying:

> Ultimately, CEPG believes the decision shows there is strong support for the group's wishes for considered development, supported by science, in consultation with the community which understands the delicate nature of the dunes and has long nurtured the unique system.

Well, I say that is poppycock. I want to conclude by saying that this group, unlike the outstanding Tennyson Dunes Group, operates out of self-interest and selfishness. The Tennyson Dunes Group has worked closely with agencies to develop plans for an environmentally sustainable path through what is the only remnant remains of the sand dune system that once existed along our coastline. Importantly, all people will be able to walk this path through what is the jewel in the crown of the entire stretch of the coastal path. It will be completed, it must be completed and it will be constructed. As the CEPG spokesperson also said, 'common sense would ultimately prevail'. It will, but not in the way they think.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

The DEPUTY SPEAKER: The Attorney has something to inform the house?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:08): I do, Madam Deputy Speaker. It gives me great pleasure to—

The DEPUTY SPEAKER: Read off the sheet?

The Hon. J.R. RAU: —read a few notes which are before me now. For those who might be listening at home, or even watching at home, this is something that we do not that often. This is a relatively rare thing, is it not, Madam Deputy Speaker? What a treat today for those that are tuning in. I move:

That Mr Treloar be appointed to the Public Works Committee in place of Mr Bell (resigned).

Motion carried.

The Hon. J.R. RAU: As I said, it's a bit of a treat for those at home because there are more of these. I move:

That Ms Vlahos be appointed to the Public Works Committee in place of Ms Digance (resigned).

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:09): I move:

That Ms Vlahos be appointed to the Social Development Committee in place of Ms Cook (resigned).

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:10): I move:

That Mr Snelling be appointed to the Legislative Review Committee in place of Ms Cook (resigned).

Motion carried.

The Hon. J.R. RAU: When I say 'resigned', Madam Deputy Speaker, as you and I both know, I mean resigned from the committee, not resigned from—

The DEPUTY SPEAKER: Resigned to the fact that she is no longer on the committee.

The Hon. J.R. RAU: Resigned to that fact, indeed.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:10): I move:

That the Hon. Jennifer Rankine be appointed to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation in place of Ms Cook (resigned).

Motion carried.

STATUTORY OFFICERS COMMITTEE

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:10): I move:

That Ms Vlahos be appointed to the Statutory Officers Committee in place of Ms Cook (resigned).

Motion carried.

Bills

STATUTES AMENDMENT (SACAT NO 2) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:11): I rise to speak on the Statutes Amendment (SACAT No 2) Bill 2017. I expect that I will be the only speaker; nevertheless, my contribution might inspire others. I indicate that the opposition has considered the bill and, whilst we have a number of concerns about the existing operational performance of SACAT, and further that, as Judge Cole resigned some months ago and has not been replaced, the transfer of any further jurisdictions to SACAT raises a number of concerns, not because we do not support having a central administrative tribunal—and we have moved from the specialist model to a central model—but clearly if the government wished this tribunal to be effective and to have outcomes of which its reasonable aspirations had been expected, then frankly it has to have the appropriate resources to do it.

In asking an entity, in this case the SACAT, to take on another 42 jurisdictions, some of which do not have much of a workload in the sense of reviews that may need consideration, when there is one judge down out of two, and secondly, to take on some processing that is currently under question, we have to question the capacity for this to occur. I also mention that, as this bill proposes to transfer matters including adoption under the Births, Deaths and Marriages Act, members of the Law Society's children committee have again raised their concern that, if SACAT is going to have responsibility in this area, properly trained personnel need to be engaged, in that it relates to relevant training to deal with children and young people.

Bear in mind that, under adoption laws, changes of name involving children over the age of 12 years require the child's consent and an interview has to occur, etc. With that, in principle we do not object to these matters being transferred, and the government, after briefings on 5 September, did provide a schedule in respect of the staging of other jurisdictions, which are to be conferred at some unspecified future date.

What did concern me today was to receive in the parliament a rather thick report from the Hon. David Bleby QC, who prepared a comprehensive statutory review of the operations of the court. Quite obviously, I was handed a copy of it about 15 minutes ago. I note that it was a report dated at the end of July. I will just find it. The date on the front of the report, in any event, is 1 August 2017, which is in compliance with the obligation in the statute for there to be a two-yearly review undertaken and provided to the parliament within six sitting days of receiving the report. I would be very concerned to note, if the Attorney has only just received this in the last six sitting days—

The Hon. J.R. Rau: Six sitting days—this is the first sitting day.

Ms CHAPMAN: —that the Attorney would then prepare the government's response and also table that today, pronounce in a ministerial statement that his government has considered and accommodated a number of amendments recommended by the Hon. David Bleby QC and then hand in a schedule of amendments, which had an explanatory letter emailed to my office during question time, as to the amendments that are proposed to be introduced. I do not know what sort of operation the Attorney-General is running these days. I am pretty good, but I am not that good. I cannot digest massive reports and amendments within minutes. Even the period during which matters of concern were raised to the parliament was not enough to be able to get through that.

What I did notice in starting to read the Bleby report is that clearly my observations and what has been presented to me about the tribunal are all too true: there are major problems with the operation of the tribunal. There are recommendations, including that, as a matter of some urgency apparently, there be a consolidation of the tribunal to one location as one of the highest and most urgent priorities. It is recommendation 6. I did not hear anything in the statement of the Attorney today that he was accepting that recommendation.

What we had was a rather longwinded, but nevertheless summary, of some of the recommendations that the government proposed to implement, and apparently they are in the

amendments that I have just received. If they are worthwhile amendments then they are matters that we will consider between the houses.

Obviously, we are not in a position today to read the report, digest the 51 recommendations, find out whether the amendments adequately represent those accepted by the government that are meritorious, identify those that are not and furthermore identify the recommendations that are made that have not been picked up and why not, but we will do so between the houses.

I mention one other matter in respect of the operations of SACAT. As members know, the bulk of its business is in relation to guardianship matters, which still operate out of their premises in the ABC building at Collinswood, and we have a city-based facility to deal with residential tenancy disputes. That is the bulk of the business of this agency at present. There are a few other jurisdictions that do review work, but essentially this is the bulk of its business.

They have not moved office. If each of these was a separate tribunal before, it was conferred to the new SACAT. Even though they have not moved office, clearly there have been some teething problems in the operations of this court under the new logo. They changed the logo over the door, everyone was dismissed and then people were allowed to reapply. Some were given back their jobs and others were filled under some new regime by the Attorney-General.

Suffice to say, obviously a number of the personnel coming in were new. Even though they did not move office, it is fair to say that, especially in the residential tenancies area, there seemed to be major problems originally in dealing with disputes in relation to tenancies in a timely manner, usually unpaid rent and eviction issues, and return of bonds. As with all new laws, especially with new personnel, you have to think that for the first year there are going to be some teething problems. That has to be taken on the chin, but to find that several years later we still have a major problem with the refunding of bonds, for example, in respect of residential tenancies tribunals, is really concerning.

When this bill came up, again I had representations that, sadly, this situation had not improved very much. For example, some data was done in the preceding 12 months in respect of the bond refunds that are submitted to SACAT; that is when a bond is in dispute. The data suggested an average wait of 92 days for a bond refund to be received and 49 days to receive a hearing. A standard bond is six weeks' rent (42 days) and therefore to have a 49-day target is not acceptable in providing a fair outcome not only for the refund but for the opportunity for the landlord or the tenant to then move on. It is extremely important that the government addresses this issue.

In respect of reviews, it is hard to imagine how a court that justified having a half-time Supreme Court judge and a full-time District Court judge now has only one judge, and a lot of razzamatazz around the announcement of that at the budget, only to find that when Ms Cole resigned a few months ago she has not been replaced. I think it is unreasonable for the Attorney-General and this government to expect that SACAT can continue to conduct its business in an as efficient way as it has, notwithstanding some problems, without adequate personnel.

I can only say to the people at SACAT, 'Good luck if you are expected to pick up the work of these other jurisdictions.' In respect of the multitude of matters that have been raised in the Bleby report, we will review those matters and have a look at them. I will endeavour to view some of these amendments. The Attorney will respond and then we can progress the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:24): I thank the deputy leader for her contribution on this bill. To clarify something, in case people are following this, the former complement of this thing was that Judge Cole was not full-time at SACAT. She was part-time at SACAT—0.25, if I remember correctly—and Justice Parker was only part-time as well. He was only 50 per cent, I think.

In respect of that, we have dealt with the president being a part-time president. We have resolved that issue. The president is now a full-time dedicated president—namely, President Hughes—and we are considering how to deal with the question of a deputy. One of the things I am turning my mind to is whether there should be one or maybe a couple of them. I do not know, but it is something we are looking at that. We are definitely actively considering that matter.

The general concerns raised by the member for Bragg about SACAT are, in general terms, concerns that I too have shared. I thought this was an important reform. I was very keen to see this proceed. I think the initiative is the correct one. I think putting more jurisdiction in there will actually make the place a bit more vibrant and sharpen the place up a bit. The reason I was interested in Mr Bleby undertaking the review—aside from the fact that there was a requirement in the legislation—is that I wanted to know how we could improve the performance of the SACAT to make it the best it possibly can be.

I remain committed to that. I am of the view that the amendments we are proposing to introduce into this bill, largely as a result of Mr Bleby's recommendations, will make improvements that will be beneficial. I can understand the member for Bragg not wishing to make a final determination of her opinion of these matters, having only just received the material. Contrary to the usual situation, where I am accused of having sat on things and not told people things, I have undertaken to bring this to the parliament at the earliest possible moment and not just at the earliest possible moment but with a response, with a considered position and with amendments.

On this occasion, I am possibly open to the criticism that I have moved too far too quickly, but, in any event, I take no issue with the deputy leader wanting to have a bit of time to reflect on this. That is perfectly reasonable, no problem. I will be proceeding on the basis that we will take the matter through this place. If the deputy leader wants to talk further between the houses about other matters that relate to this bill, whether they relate to the original bill or the amendments we are putting in now, I will be happy to deal with those as and when and if they arise.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 110 passed.

New clause 110A.

The Hon. J.R. RAU: I move:

Amendment No 1 [AG–1]—

Page 38, after line 29—After clause 110 insert:

110A—Amendment of section 39—Powers and duties of administrator

Section 39—after subsection (3) insert:

(3a) The regulations may provide that powers or duties of an administrator specified by the regulations must be exercised in accordance with the regulations (and such regulations may provide that a specified power or duty may not be exercised without the approval of the Tribunal).

Ms CHAPMAN: I would like some explanation as to what this is and which recommendation it follows.

The Hon. J.R. RAU: This is one of a series of amendments being moved as part of the government's response to the review by Mr Bleby. This particular amendment relates to the review recommendation that the government implement a series of amendments previously suggested by SACAT to improve its efficiency. The majority of those suggested changes were supported and are already contained in this bill as introduced.

One suggestion that had been deferred for further consideration was a proposal for greater oversight by SACAT of private administrators appointed by SACAT under the Guardianship Administration Act. Examples of possible measures include restrictions or directions on how private administrators invest a protected person's money. I consider that this bill presents an appropriate opportunity to allow these additional oversight measures to be introduced by regulation after further consultation, and the amendment will allow this to occur.

Ms CHAPMAN: Which recommendation?

The Hon. J.R. RAU: It is 42, I am told.

The CHAIR: Any further questions?

Ms CHAPMAN: Recommendation No. 42 that I am reading is:

…the letter from the President of the Tribunal dated 17 May 2016 and the Briefing Memorandum from the Community Stream ESM to the President dated 21 March 2017 be enacted as soon as possible.

It does not have anything to do with it.

The Hon. J.R. RAU: Yes, it does. What has happened is that there was a suggestion made by letter by the then president—

Ms CHAPMAN: What does it say?

The Hon. J.R. RAU: Their suggestion related to providing greater oversight by SACAT of private administrators. What we are doing is saying, 'Yes, that's a good idea. We are going to provide for'—if you go back to the actual amendment, it says:

The regulations may provide that powers or duties of an administrator specified by the regulations must be exercised in accordance with—

In other words, we are providing a regulation-making power to enable us to do by regulation what the then president of SACAT recommended. Our intention is, if this goes through as intended, that we would be consulting on a draft regulation which would deliver on the detail contained in that request.

Ms CHAPMAN: But recommendation No. 42 does not say that. It just refers to a letter, that a letter and a briefing memorandum of a certain date be enacted as soon as possible. It does not tell me anything. That is my point. You are saying to me that, within that correspondence or memorandum, which presumably is somewhere detailed in the report—

The Hon. J.R. RAU: I think what you are asking me for is a copy of the letter to which he is referring.

Ms CHAPMAN: No, I want to know what recommendation in the Bleby report you say this amendment is complying with. That is all. Recommendation 42, if I am reading this correctly, is on page 11. My copy is a bit misaligned; it could include it, but it does not say—

That subject to the qualifications referred to in this report the legislative amendments referred to in the letter from the President of the Tribunal, dated 17 May 2016 and the Briefing Memorandum from the Community Stream ESM to the President dated 21 March 2017 be enacted as soon as possible.

My question is: do the contents of this memorandum and letter suggest that there needs to be a regulation-making power?

The Hon. J.R. RAU: It suggests that we provide for SACAT to do certain things to have greater oversight and what we are doing is giving the power to make regulations to do precisely that.

New clause inserted.

Clauses 111 to 222 passed.

New clauses 222A, 222B and 222C.

The Hon. J.R. RAU: I move:

Amendment No 2 [AG–1]—

Page 71, after line 8—After clause 222 insert:

222A—Amendment of section 70—Internal reviews

Section 70(1a)—delete 'subsection (1)(b)' and substitute 'this section'

222B—Amendment of section 73—Effect of review or appeal on decision

Section 73(4)—delete 'Presidential' and substitute 'legally qualified'

222C—Amendment of section 75—Functions of registrars

Section 75(1)(a)—after 'assist' insert ', or act on behalf of,'

This amendment will implement three more legislative changes recommended by the review, and I will get the numbers for you in a moment. The first of these to section 70 of the act is that SACAT be amended to provide that an internal review of a decision may only be made with the permission of the tribunal.

Currently, leave is only required for internal reviews of decisions of SACAT when constituted by a registrar or other staff member. It is agreed that there is merit in including a general requirement for leave, equivalent to the requirement for leave for an internal review by SACAT under section 64C of the Guardianship and Administration Act where use could be made of the leave application, for example, involving an unrepresented applicant who might have had difficulty in articulating in the internal review applications the ground of review and/or the relief being claimed.

The second of these to section 73 of the act is to amend to provide for the stay by a presidential member or a legally qualified senior member of a decision of the subject of an application for internal review. Mr Bleby identified this may be necessary or desirable in certain circumstances. Currently, the act only provides for a stay to be exercised by a presidential member, so this power is extended to legally qualified members as defined in the act.

The third, to section 75 of the act, extends the administrative powers of the registrar by allowing the registrar to act on behalf of the president in the administration of SACAT subject to any directions of the president. It is agreed that this is a useful measure for the improved efficiency of SACAT. I think the recommendations we were talking about here are 38, 39 and 41.

New clauses inserted.

Clause 223 passed.

New clauses 223A and 223B.

The Hon. J.R. RAU: I move:

Amendment No 3 [AG–1]—

Page 71, after line 14—After clause 223 insert:

223A—Insertion of section 93B

After section 93A—insert:

93B—False or misleading statements

A person who knowingly makes a false or misleading statement for the purposes of, or in connection with, consideration by the registrar or the Tribunal (including the Tribunal as constituted of a registrar or other member of staff of the Tribunal) as to whether to waive, remit or make such other provision in relation to the payment of fees in respect of proceedings before the Tribunal, is guilty of an offence.

Maximum penalty: $1,250 or imprisonment for 3 months.

223B—Amendment of section 94—Rules

Section 94(1)—after paragraph (c) insert:

(ca) providing for the provision of written statements of reasons for decisions of the Tribunal at first instance for the purposes of an internal review of the decision by the Tribunal under section 70; and

The first of these amendments will implement the statutory review recommendation that an offence be created of giving a false or misleading statement in connection with the request for a fee waiver. This is designed to bolster the integrity of the fee remission application process and will support plans to introduce stricter fee waiver policies and recording by SACAT.

The second of the amendments will implement the statutory review recommendation that the act be amended to provide that, if the presiding member of the tribunal on an internal review so requests, reasons for the decision under review must be provided by the decision-maker. This amendment will allow such a requirement to be included in the SACAT rules, recognising that this is a matter for the internal regulation of SACAT. This relates to recommendations 31 and 40 of Mr Bleby's report.

New clauses inserted.

Remaining clauses (224 to 271) and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:39): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (COURT FEES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:40): I rise to speak on the Statutes Amendment (Court Fees) Bill 2017 and indicate that the opposition will support the bill. Essentially, it is a bill that was introduced by the Attorney and is consequential upon the Courts Administration Council conducting a review of civil court fees. Apparently, that was at the request of the Attorney-General. It recommended that Magistrates Court applications be charged for their lodgement fees on a tiered basis. Essentially, that means the higher the claim the larger the fee that might apply towards the lodgement fee, even if that fee exceeds the administrative cost.

The government claims that this is modelled on Victorian law. We have already seen an example of this a few years ago when the government decided to provide a tiered fee structure for probate fee applications in estate matters. Whilst we consider that a tax on the dead and the reintroduction of death duties, nevertheless it is in place and there is some indication by the government, via the briefing provided on this bill, that there is no intention to immediately move in respect of tiered fees for the superior courts, but I would be surprised if the Treasurer had not moved in on them pretty quickly.

Whilst to some degree other jurisdictions have moved this way, it is concerning that the government should move to treat lodgement fees as a form of revenue. Clearly, they made a huge profit of millions of dollars a year from the probate fees, not with any great benefit that I can see back to the probate office, but it still sits there with the same people, just about with quill and ink doing their work in fairly primitive conditions, I think, in the worst court in Australia in the sense of its infrastructure and amenities.

Nevertheless, what particularly concerns me is that I received a letter from the Attorney last week. When we asked to see a copy of the Courts Administration Authority report, he claims that the report is not available to be provided because he does not want it publicly released. That is all very well, but we have met with the Attorney's office in other circumstances when sensitive material, including criminal intelligence and all sorts of things, was provided on a confidential basis with a view to having some understanding of the basis upon which this is relied for legislative reform. If there is something particularly secret about this that needs to be dealt with, then there is nothing stopping the Chief Justice or the administrative head of the CAA from conveying it.

Again, it is a practice I consider to be grossly insulting to the parliament, to expect our support in a circumstance where we are not even allowed to see the documentation or the basis upon which this is being recommended. I suspect that the Courts Administration Authority need money themselves. They are being starved in other ways, so this is a way they can raise revenue. I expect that the Attorney-General, or his advisers and those preparing this, has been able to see the report.

Again, I suggest that it is really quite unacceptable for the parliament to be kept in the dark in this regard; nevertheless, it is a matter we will accept on the face of it as being a recommendation

of the Courts Administration Authority. I take it that the administration consider them to be starved of money and desperately needing some extra funds. If the Attorney ever decides that he wants to make that available, especially as I suspect he has already read it and has a copy, then he is free to do so.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:45): I thank the deputy leader for her contribution and her indication of support for the bill.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:46): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LABOUR HIRE LICENSING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 August 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:47): I rise to speak on the Labour Hire Licensing Bill 2017. The bill was introduced by the Attorney-General on 8 August this year to provide for licensing and regulation of persons who provide labour hire services. Essentially, this requires a person who provides labour hire services to be licensed, with a fit and proper person test, and provides penalties, deregistration options, suspension and the like in the event of noncompliance with the act or standards set.

It is proposed, on the information provided, that the Consumer and Business Services division, under the responsibility of the Attorney, will be responsible for the administration of this scheme. Subsequent to the May 2015 ABC *Four Corners* program, in which there were very severe allegations of exploitation and underpayment of migrant workers, the government claimed that there needed to be reform in this area. In particular, concern was expressed about the alleged abuse of migrant workers on farms and in the food processing industry.

The Premier announced a parliamentary inquiry by the Economic and Finance Committee to look into the labour hire industry, including underpayment of wages, harassment and mistreatment. This report was published on 18 October 2016. I thank the members of the house who made a contribution to that committee report. Meanwhile, national and state ministers were meeting and resolved that they would establish a task force to deal with compliance and enforcement and a second task force to deal with phoenixing. The federal parliament has also passed a national vulnerable workers bill to increase penalties in this area.

Whilst there has been consideration of a national scheme for licensing, most importantly to provide some consistency, that has not occurred. Some rather scathing comment has been made by the Attorney in his second reading in respect of that, but I commend the federal government for progressing legislation to greater protect vulnerable workers in this space and to ensure that there are other groups to monitor and enforce the standards and law in respect of the protection of workers in these industries. The commonwealth approach has generally been to prosecute people who break the law, and that is something, on balance, we consider needs to be done.

It is interesting to note the consultations I had on this matter and the advice I received from a number of stakeholders. I was advised at a very late briefing that apparently no growers were actually prosecuted arising out of those rather startling allegations that were made in the

2015 *Four Corners* report. Nevertheless, it does not mean that one should not be alert to potential breaches in this area and the vulnerability, mainly due to language, poverty and, of course, the need to be in a host country in order to undertake work, so many workers are potentially vulnerable and this needs to be supervised and looked into.

I have asked the government to provide details of the 442 labour hire services that currently operate in South Australia, and to date I have not received any response in respect of the request on this bill. I have also sought particulars of prosecutions in the Fair Work Commission; that has not been forthcoming. I have also sought particulars of SafeWork SA cases involving prosecutions that cover vulnerable 457 visa holders and other labour hire workers in South Australia. Again, none of that information has been provided. It is fair to say, though, that potential problems can be most common in the following areas: agriculture, horticulture, meatworks, cleaning, construction, food packing and processing.

It soon became clear, in considering other jurisdictions around Australia, that the Labor governments had got together and decided they were all going to introduce labour hire regulation. I note that Premier Palaszczuk in Queensland passed legislation on 7 September 2017. It was not quite as draconian as this bill. For example, even she did not expect to get through her parliament—and did not even ask to put through—the right of entry of inspectors without a warrant. Under this bill, they are to have greater powers than the police. Even Premier Palaszczuk did not ask for that.

Nevertheless, I have now viewed their bill and the *Hansard* equivalent of the contributions in that debate, and it seems pretty clear that this has been a request by the union base of the Labor Party to advance this as best they can around the country through the sympathetic Labor administration, and that is exactly what is happening. Victoria is currently drafting similar legislation with the intent to progress the same. There was a provisional briefing, as I have indicated, by the government (in particular, SafeWork SA personnel). There were no attendances at the briefing by Consumer and Business Services staff, who are apparently going to be operating this.

Nevertheless, I appreciate the attendance of SafeWork SA personnel. The briefing indicated that there is a claim that ReturnToWorkSA and RevenueSA support the bill—I suspect the latter, primarily, because of the attempts to deal with the phoenixing aspect in the bill. Stakeholders were quite varied in this field as to their support or otherwise. I think it is fair to say that, consistent with the general national push, many of the stakeholders who are either involved in the industry or inadvertently caught up in the bill, or the potential application of the bill, had no strong objection to having some kind of registration system.

However, when it came to dealing with matters such as the inclusion of criminal sanctions, including imprisonment, the powers of the inspectors under the bill to enter a property without a warrant; matters including the discretion that would be given to the Consumer and Business Affairs commissioner in the approval of licences and the imposition of conditions, including taking into account the reputation of an applicant for registration, the breadth of the application proposed by the bill by definition to include parties such as trainees and group training organisations, the latter of which were quick to point out that they have a very robust series of obligations in respect of standards that they have to comply with already in their industry, both state and federal, they certainly did not want to have the obligation of further regulatory positions.

The Motor Trade Association was obviously unhappy about the inclusion of all apprentices and the extra burden of that. Between the major stakeholders—including the South Australian Wine Industry Association; the Motor Trade Association; the Master Builders Association; Group Training Australia, which, as I say, deals with group training organisations; the Law Society of South Australia; the A1 Group, which represents a number of consultants; Business SA put in a comprehensive submission; and AUSVEG, who, of course, represent growers in the horticultural field—a lot of work had gone into these submissions and I thank all who took the time to provide us with briefings of their approach to this matter.

It is fair to say that, in considering this bill and how the opposition might treat it and how, in particular, I might recommend we deal with this bill, I did attempt to look at whether there was a capacity to amend a number of what may have been these inadvertent extensions of applications proposed in this bill and try to render it to an acceptable registrational licensing process that the stakeholders would then work with to accept. It seemed pretty clear that that job was going to be

massive. We certainly made the effort to look at a number of the amendments. We probably would have been here for the rest of the week debating each of them. So, on balance, our party felt that there was far too much to try to remedy in this process.

The government clearly had not listened to what I think have been meritorious arguments to make significant amendment to this bill. They have decided to completely ignore those submissions and press ahead with what I would say is quite draconian legislation that clearly the government had no intention of actually remedying.

In fact, of all the bills we are dealing with just today and of all the amendments that have been proposed, I do not think there is one amendment even being foreshadowed by the government. Having asked parliamentary counsel to consider this, I have determined that in the circumstances there is little we can do to try to rescue what might be a good direction in this regard and we will oppose the bill.

Mr PEDERICK (Hammond) (17:00): I rise to speak to the labour hire bill 2017 and note that it was introduced by the Attorney-General on 10 August 2017. What the bill is seeking to do is to provide for the licensing and regulation of persons who provide labour hire services. Essentially, this requires a person to be licensed who provides labour hire services, with a fit and proper person test, and provide penalties for deregistration in the event of noncompliance with the act or standards set. It is proposed in the bill that Consumer and Business Services will be responsible for the administration of the scheme.

It is noted that there was a program in May 2015 on the ABC's *Four Corners* that reported alleged exploitation and underpayment of migrant workers. It targeted alleged abuse of migrant workers on farms and in the food processing industry. It was noted that the Premier had announced a parliamentary inquiry by the Economic and Finance Committee to look into the labour hire industry, including the underpayment of wages, harassment and mistreatment. This report was published on 18 October 2016. It recommended a national licensing scheme in this field.

Meanwhile, discussion at the national and state ministers' level has been to (a) establish a task force to deal with compliance and enforcement and a second task force to deal with what is called 'phoenixing', when basically one hire business folds up and another one rises from the ashes, and (b) pass a national vulnerable workers' bill to increase penalties.

As a background to this bill, SafeWork SA was to provide for the investigation and prosecution of work health and safety issues in the workplace, but not misconduct in respect of the exploitation of workers. It is noted that the government's answer is to establish a licensing scheme, as they do with most industries, providing a means to control an industry and build the empire of Consumer and Business Services. The commonwealth approach has been to prosecute people who break the law.

We have called for detail of the 442 labour hire services apparently operating in South Australia, particulars of prosecutions in the Fair Work Commission and particulars of SafeWork SA cases and prosecutions that cover the vulnerable 457 visa and other labour hire workers in South Australia. Anecdotally, the areas of industry include agriculture, horticulture, meatworkers, cleaners, construction and food packaging and processing.

It is noted that, in regard to other jurisdictions, the commonwealth has no national scheme at this stage. Queensland passed similar legislation on 7 September 2017, and this was promoted by Premier Palaszczuk in the same vein—as protecting vulnerable workers. It is noted that the Queensland Liberal National Party opposed the bill in its entirety. In Victoria, the Labor government is currently drafting similar legislation.

It is noted that the shadow attorney-general had a briefing, and it was claimed that ReturnToWorkSA and RevenueSA support that bill amendments are being considered. I have had a brief look at the South Australian Wine Industry Association submission, and members here would be particularly interested in that it recommends a suite of amendments to a number of areas, including the considerable breadth of the bill, the broadness of definitions, the determination of who is a fit and proper person and right of entry provisions, among other things.

Certainly in the electorate of Hammond, with a lot of primary production and a lot of value-add primary production, there is a lot of agriculture and horticulture. We have the Thomas Foods meatworks, we have Big River Pork and there is a lot of production in regard to Ingham's chickens, which is increasing its production in our area at Yumali, past Coomandook, where I live. They are putting in 24 layer sheds and the first of those sheds is operating. The way the chicken industry is going, they could soon be building another 24 sheds down there.

There is a massive expansion of the chicken industry in the region between Monarto and Yumali. These sheds are about $1 million each to put up, and it is not just these layer sheds that have gone in; there are grower sheds to grow the chickens. You can see the trucks coming up and down the road, day and night, through to the Ingham's factory in Adelaide. As I mentioned, we have Big River Pork and Thomas Foods International, which has for a long time been reliant on 457 Visa workers.

I have expressed my angst about the fact that in the area around Murray Bridge, where there is 10 per cent unemployment, we still so desperately need and truly value these workers under these schemes because otherwise we would not get the throughput of the value-add work done in the processing sector in the region. I also note that Adelaide Mushrooms, owned by the Costa Group, is about to double in size, with an investment of $64 million and their biggest issue is whether they can get the 200 to 250 staff they require. There is plenty happening in my area.

With respect to the Wine Industry Association submission, there have been plenty of labour hire companies employed. In my electorate, the Langhorne Creek is a great wine region. Sometimes people do not give it the credit it deserves, but some great wines come out of the region, and certainly labour hire companies come in there. I must say that there was an issue a few years ago that I managed to sort out through the tax arrangements. I went to the Attorney-General in regard to that and we did get a favourable response for a local labour hire company.

The bill does seem to be a big stick to regulate the issue. We need sensible amendments to get through to make sure that we get the right regulation around labour hire. That is not saying that something should not be done, but we should do it in the right manner. We do not want these sharks in the industry, if there are any out there, doing things that are not right for those valuable workers on the land. As I said, many of these people come from overseas, and certainly in my electorate they come from all parts of Asia, Africa and Afghanistan.

All these different nationalities have made a massive contribution in my electorate. Certainly, in regard to the Chinese, many have become citizens. A wave of about 300 workers came in many years ago and they bought out the bike shop. They bought every bike in the place, I think, and they had to get more in. Then they have slowly progressed, adding more value to the local economy and progressing to getting their licences and driving cars to get to work.

They truly are valued. We have to have the right thing done. That said, we have to make sure that we get the right amendments so that we get the right legislative response, so that the work of these people is truly valued and respected and so that it is noted that they are essential, certainly in primary production and in the primary production processing area, not just in my electorate but right throughout the state.

Mr KNOLL (Schubert) (17:10): I rise to speak against the Labour Hire Licensing Bill 2017. I do so having sat through the second half of the Economic and Finance Committee's inquiry into this topic. The longer the hearings went on and the more groups we spoke to from industry associations, individuals and indeed unions, the more convinced I became that this bill, which seemed to be the predetermined outcome of the committee in the first place, would have a deleterious effect on businesses in South Australia with no positive effect on actually dealing with the issue at hand.

Throughout the committee hearings, we talked to a number of individuals about cases of where, as workers, they had been mistreated—cases where they had been underpaid or had not been given or paid their full entitlements and cases where workplace law had been breached. We heard about cases of company phoenixing and cases of essentially string and repeat offending from certain directors and individuals who essentially stayed one step ahead of the efforts, of the compliance agencies, such as they are, and were able to wreak havoc with some vulnerable groups

within our community. However, in everything that was discussed, every time something was brought forward as a wrong that has been committed, every single one of those activities was already illegal.

Not once were we able to find moral wrongdoing that the community and society at large would consider needs to be an offence that was not already an offence. What we are talking about here is activity that is already illegal—not complying with workers' occ health and safety conditions, not complying with workers' pay and general conditions, not complying with upholding the standards of company directorships, phoenixing, underpayment of WorkCover premiums. Everything else we talked about and everything else we heard was already an illegal activity, so what we are dealing with here is not a failure of law.

The next step was talking to the relevant compliance agencies—some of whom were a little bit more willing than others to come forward—about what efforts they were undertaking to make sure that this illegal behaviour was brought to justice. We spoke to a whole host of agencies. We spoke to the tax office, ReturnToWorkSA and various federal departments, especially the Department of Immigration and Border Protection, about what efforts they are undertaking to make this illegal behaviour stop by bringing these people to justice.

Speaking very specifically about ReturnToWork, we had Greg McCarthy before us and it is very sad to see him go. ReturnToWork outlined to us a very effective way in which they are able to currently stop this illegal behaviour from happening. What they do essentially with these labour hire companies that seemingly rise up out of the ashes, and there are question marks over whether or not they are going to properly pay their return-to-work premiums, is ask them to pay in advance.

What they are also able to do with more sophisticated data analytics is have a look at labour hire companies, look at what they should be charging and look at the relative size of their business and make calculations about whether or not they believe that people are paying an appropriate return-to-work premium, and where they do not believe they are they go in and investigate. Where they believe that there is not compliance, or they do not believe that they can trust these companies, do you know what they do? They do not register them.

They have the ability within this one agency, of the multitude that deal with labour hire companies and compliance of their operations, to be very effective in the way that they can stop this illegal behaviour. They can do it with the current law, and all they need is the willingness to do it and the resources to do it. For ReturnToWorkSA, there is a financial incentive because, if they do their job properly, they will collect more WorkCover premiums. They are incentivised to go out there and enforce compliance.

We have heard about various federal operations where there are cross-agency efforts to enforce compliance. Those efforts need to go on and they need to continue, whether that is RevenueSA getting in and helping to actively ensure that businesses are paying payroll tax, whether that be the Australian Taxation Office, which I know looks at various metrics of companies of all persuasions to try and understand whether or not they are paying enough tax, or whether that is looking at retail businesses and the proportion of those retail businesses and their use of credit cards.

For instance, if there is an overuse of credit cards in the total revenue stream of the business, that is, there is cash that is potentially being filtered away, the ATO investigates. Again, there would be ways of using sophisticated analytics where the ATO could get involved and enforce compliance and review labour hire companies. It does not need a legislative change. SafeWork SA can get out there and enforce compliance and ensure that labour hire companies are correctly complying with workplace occupational health and safety regimes. They do not need a change of law to be able to do that. They are a well-resourced agency, and if there is an issue in this particular industry they can go out and they can enforce compliance.

The Fair Work Ombudsman can take up any case that is brought to them by an employee. Again, with a lot of the issues that we heard, those cases were taken up by the Fair Work Ombudsman. I admit that there are times when it is difficult to pursue these companies when they vanish, but there is already a strong compliance mechanism there. ASIC, in relation to the regulation of companies and directorships, has a compliance role in this area and again should be looking to enforce the law as it currently stands and ensure that these labour hire companies are doing the right thing.

The Department of Immigration and Border Protection, in relation to the compliance and obligations of visa permits, again has the ability and the power and should have the resources to enforce compliance in this area. There is so much regulation and so many different bodies that have the ability to make compliance happen in these areas that it is almost becoming embarrassing. The one thing seemingly missing was either the resources or the will to go after these companies.

All the things that I have just spoken about, and all these agencies that I have just spoken about, do not need this piece of legislation to do their job, and in the end that is exactly what needs to happen: we need the existing agencies, of which there are many, to do their job. This labour hire licensing bill will do nothing in and of itself to improve compliance. Increased compliance and scrutiny and regulatory focus will improve compliance, not a piece of legislation that simply increases the red tape and regulatory burden on South Australian businesses. All this bill will do is make law-abiding labour hire businesses do more paperwork. It is going to be the businesses we do not want to target through a piece of legislation like this who will end up being punished for the stupidity and shortsightedness of this bill.

This is very much modus operandi for the Labor Party. This is the Labor Party that did not see a problem that increased government could not fix. It did not see a problem that increased paperwork could not fix. It did not see a problem that more red tape could not fix. If this becomes law, we will not see improvement in this area. What we will see is the 90 to 95 per cent of labour hire companies across this state that do the right thing getting punished and what it will actually do is create a perverse incentive.

At the moment, the reason that labour hire companies try to flout the law is that there is a financial incentive for them to do so. The companies that are paying the right wages and paying all of the entitlements and the return-to-work premiums and superannuation have higher costs than the rogue operators. What you do when you increase the red-tape burden on those businesses is that you increase their costs, but for those who already exist outside the law these costs will not be borne, so what you have is a perverse incentive where a bill that is designed to stop rogue labour hire operators will actually give them a greater leg up when they are competing against the businesses that are doing the right thing.

This piece of legislation has the distinct potential to make the situation worse. Those opposite only see this as a beautiful feel-good measure to create some paperwork so that when something goes wrong they say, 'Yes, but we've got this in place. Some people filled out some paperwork. Some people are outside the law and undertake illegal conduct, but the piece of paper said it's okay.' But it is not.

The only way that this bill, if it is to become law, is going to improve workplace conditions for those who work for labour hire companies is if it is enforced. The argument needs to be put that if enforcement is the answer, then licensing is not the answer. Don't enforce labour hire licensing. Enforce the current act. Get the current compliance agencies to do their job properly. This is not just a view of the state Liberal Party. This is the view of industry associations and people who actually operate in this area.

If I look at the South Australian Wine Industry Association's submission, they say that given that some noncompliant labour hire firms are already able to fly under the radar, they are highly transient and do not necessarily have any fixed physical address, then will any register really capture those who should be captured? The answer in the Liberal Party's opinion is, no, they will not. The second reason that we should not be putting this bill into law is that this will punish South Australian businesses and not those of other states.

We had quite a discussion around the committee table about whether or not the recommendation should be more along the lines of how we need this to be a federal government solution. Essentially, what we came to is that in the absence of a federal solution, we need to run with a state-based solution. What this will do is force and encourage labour hire companies to go interstate. At a time when we can ill afford to lose business in South Australia, what we are doing is introducing a piece of legislation that will drive companies across the border.

It will drive companies across the border, which is a ridiculous proposition, but those opposite do not see that. They see a piece of paper, they see an increased paper trail and more work for

boffins and public servants. They see more work for bureaucrats. That is something they always support. No wonder industry associations such as the Wine Industry Association feel the need to say, 'Hey, guys, maybe this is not the way to go. Maybe we actually need to think about the underlying causes of this and deal with the root cause of this behaviour, rather than just trying to add more paperwork to the pile to make everybody feel better.'

The ICTRA also made a submission and said that it was not convinced of the need for a national licensing system or industry code as this would only serve to increase costs for already compliant labour hire providers and fail to prevent unscrupulous operators. Further disparate forms of regulation and more onerous licensing requirements in South Australia may deter national and international labour hire contracting firms from operating in South Australia. That is exactly the point I just made from the people who operate on a national basis, who should know and do know. But those opposite do not listen to them. All they do is find ways to create increased burden for South Australians because they can think of no other solutions.

We have had inquiries into this topic in Queensland and at a federal level. A submission made to the Queensland parliament makes this point, that we need to think about enforcing the legislation we have. Creating new legislation with no compliance regime underneath is not very valid—simple, poignant and something the government really needs to take greater heed of.

I would like to also go to the federal Senate Education and Employment References Committee inquiry into the impact of Australia's temporary work visa programs on the Australian market, where they made a similar recommendation. The Coalition senators made comments in relation to recommendation 32 of that report. It is a recommendation that talks about introducing a national labour hire licensing scheme and it states:

> Coalition Senators do not agree with this recommendation as it would punish those labour hire firms which are already complying with relevant laws.

They go on to say:

> While there are undoubtedly a minority of labour hire firms which are doing the wrong thing, what they are doing, in most cases, is already illegal. Coalition Senators support the prosecution of these illegal operations.

That is simple. I do not know how many industry associations need to tell the government, I do not know how many other inquiries need to tell the government, but they need to start listening because this is symptomatic of what has been wrong in South Australia for the last 15 years. It is symptomatic.

It is another piece of legislation that would make it more difficult to do business in this state, and especially more difficult to do business in South Australia vis-a-vis other states. Victoria is doing pretty well when it comes to unemployment, New South Wales is certainly doing pretty well when it comes to unemployment, and those two states would love nothing more than to take business from South Australia. This bill is a free kick that allows, pushes and encourages labour hire firms to quit this state.

When South Australians go to the polls in March next year, they need to understand that this piece of legislation is symptomatic of the fundamental differences in approach between the Labor Party and the Liberal Party. Labor is always for more red tape and more regulation. Labor is always for more bureaucratic bungling, bureaucratic paperwork and red tape in South Australia. We on this side of the house, though, understand that if we improve the cost of doing business in South Australia we increase jobs.

If we decrease the cost of doing business in South Australia, we increase jobs. It is a very simple proposition and something that is understood the world over. What we are talking about here is not revolutionary, but it is, for instance, what they have done in New Zealand, Tasmania and New South Wales. This is a tried and tested way to improve jobs growth in a state or in a country—that is, to reduce red tape and regulation. It is something that our state leader has been talking about since he took the leadership.

We will be a government that is for wholesale deregulation. We will be a government that will reduce the burden on businesses so that businesses can create the jobs that will keep our young people here in this state. We will help South Australian businesses lower their cost of doing business so that we can actually get some confidence, some optimism, some economic growth, some

business investment and some future prospects that do not make 6,000 young people move interstate every year. It is a very simple proposition, and I do not know how else to explain it to members opposite. This is the problem.

When you want to know why we are in the predicament we are in and why we have been here increasingly over the past two decades, this kind of legislation is exactly the reason. We had an Economic and Finance Committee inquiry, and it seemed to me that the Labor members on that committee were looking for evidence to justify this very outcome. Everything that was discussed was designed to bring about this outcome. What is frustrating is that they were not doing it to protect the worker, otherwise we would be talking about increased compliance.

What they were trying to do was find ways to increase union involvement in these firms. This is about protecting their union mates and trying to improve membership levels for their union mates instead of looking after South Australians, because otherwise we would be talking about going after the bad guys, about actually stopping this illegal behaviour, but that is not what we talked about. It was all about: do you think that a labour hire licensing scheme would improve the situation; do you believe that we need more red tape in this area? Everything was leading to this conclusion, and, magically, somehow this bill arrives.

The Attorney-General did make some good inroads on return to work and for one brief, shining moment came to the realisation that reducing the cost of doing business by reducing return-to-work premiums and improving the efficiency of the system was the way to create jobs. It seems that that reformist zeal has puffed out in a very vague cloud of smoke and he is back to his old ways and the Labor Party's old way of regulating everything that sits or stands or moves or has a heartbeat. I will be very glad to vote no on this bill, and I look forward to the upper house doing its job of knocking off this extremely dangerous piece of legislation.

The Hon. A. PICCOLO (Light) (17:30): I would like to say a few words in support of this bill. I must have sat on a different committee from the member for Schubert because that was certainly not the evidence that I heard in the committee. When you listen to the member for Schubert, he puts a very good and strong case about why you should support this bill and all the things you have to do to achieve compliance in this industry. That is why you need something to improve that and to also improve the cost compliance, which means that by reducing cost of compliance we reduce the cost to the taxpayer.

The bill does a couple of things, and that is why we should support it. It will not take me 20 minutes to talk about this to the parliament in the same way that it took the member for Schubert 20 minutes to essentially support the view he held before the committee even started. The member for Schubert is well known for his antiregulation beliefs, and that is fine; he is entitled to those beliefs, but to say they stack up against the evidence before the committee is completely erroneous.

The bill reduces the cost of compliance because it puts in mechanisms for self-policing. In effect, there is a chain of responsibility, which means that all parties to a transaction have a legal liability to do the right thing. At the moment, the so-called rogue labour hire people are encouraged to do this because the client benefits as well. The bill makes it very clear that the beneficiary client also gets caught up in this new law, which is very important, and that provides some self-policing.

This bill is not too dissimilar to the franchise reform just passed by the Senate and the federal Coalition government following the 7/11 matters, where people were underpaid, etc. It is interesting that the federal Liberal and National Party government have introduced new legislation which also creates a chain of responsibility. It is very important because it makes sure that the worker, at the end of the day, is not the person who pays the cost, and that is what we have at the moment. Workers in this country pay for the noncompliance activities, the unlawful activities of these people. This bill, like the franchise law and reform bill passed by the federal parliament, provides additional protections for workers.

It is very interesting to note that the same people who oppose this bill, namely, the Liberal Party in our state, are the same people who opposed our Small Business Commissioner Bill on the same grounds—a whole range of new levels of regulation, etc. That bill has been well received and is supported by small business.

I speak in support of this bill because, at very low cost to the taxpayer, it improves the system and makes it more efficient and improves compliance. As I said, it achieves that by developing what I like to call a chain of responsibility to make sure that all players in the industry play their role.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:34): I would like to thank everybody for their participation in the debate. I want to make a couple of brief points. First of all, can I make it very clear to everybody that this is not a matter we should be taking lightly. The member for Schubert and the member for Light both mentioned evidence before the parliamentary committee. I think they would have heard evidence from ReturnToWorkSA about the tens of millions of dollars being evaded; that is just in payments due to ReturnToWorkSA, leaving aside superannuation payments and other things. Part of the reason that is able to happen is that these people are basically flying underneath the radar, so this is a really serious matter.

The second point is that I would have been, and I put on the record now that I continue to be, happy to listen to the opposition if they have constructive amendments they wish to move to this bill. This is one of those areas where I think the parliament could do some useful work. I am open to constructive amendments to the bill and, assuming it goes through this chamber, as I am hopeful it might, I make the offer that I am here, available to talk to people about what might be done between here and the other place.

I could tell that the member for Schubert was on one of his favourite topics this evening because he became quite animated. Give him his dues: he did not do a bad job, but he was channelling Eric Abetz. Except for the intonation of voice, I could see that well-known Tasmanian Senator straight across the parliament from me. To give a simple answer to his question, 'Why do we need any regulation in this place?' I respond with this question: there are a whole bunch of people out there who reckon they are builders, but we require them to have a building licence so that when they go to somebody's home and say, 'I'm here to build you a house,' or, 'I'm here to build you a garage,' you can say, 'Where's your builder's licence?'

If they do not have their builder's licence, they are a crook. You do not pay them and you do not have to pay them. You should actually dob them in for trying to pass themselves off as somebody who is legally qualified to do building work. We do not think it is okay to support dodgy builders or bogus plumbers or electricians. We accept the fact that they should have a licence and that people should be protected by having the opportunity to see that licence and that they get some protection under the law for dealing with a licensed operator. That is our point.

What would happen under this legislation is that all the people who are doing the right thing would be licensed. Everybody who dealt with a licensed person would do so knowing that they were licensed and that they also would be protected to some degree because they are dealing with a licensed operator. It would also make the shades of grey that presently sit out there vanish, and we would have black and white. We would have those people with a licence and those people without. Let us be clear about this. The people who would not have licences under this scheme, the people who would not be able to get a licence under this scheme, are the very spivs and crooks we are trying to catch up with.

These are the spivs and crooks who do not pay their taxes, do not pay return-to-work levies, do not pay superannuation levies and do not pay people award wages or minimum wages. They are actually bludging off everybody, including bone fide, law-abiding businesses that run a labour hire business. I say to the member for Hammond that nobody is attacking labour hire per se. In fact, we are trying to support legitimate labour hire operators and defend them against these bogus spivs who are undercutting them by breaking the law. If you have bone fide, honest labour hire operators in your electorate, and I am sure that you do, you should be supporting this because this will defend those honest business operators from the unscrupulous crooks who are breaking every law in the book, undercutting their business and basically trying to put them out of business.

Here is what I would like to say briefly on this: members of the opposition, member for Hammond, please have a think about this. The people who are the good, honest labour hire

operators—and I readily acknowledge that there are plenty of them—have nothing to fear from this bill. In fact, this bill in its objects is specifically there partially to protect them from crooks. I am open to amendments to this. I am not trying to run some doctrinaire ideological proposition here. I am trying to make a really sharp difference between the crooks and the honest people.

What I am trying to have as an outcome is this: if you are an honest person in labour hire, that is fine, I have no argument with you. Nobody else has an argument with you. We are happy to support you, but we do not want you being picked off by unscrupulous crooks who are breaking all the laws and undercutting you because they are not doing what you are doing, which is paying their taxes and paying their employees proper wages. That is it.

If there are any amendments that the opposition can suggest to this that are consistent with what I just said and address some of the problems the opposition may have with this, I am open to listening to you. I am not saying, 'Take this or that's it.' I want to make it really clear. I am happy to listen to you. Once the bill leaves this place, it will be a few weeks between here and somewhere else. If the opposition has some positive, constructive suggestions that are consistent with the objective that I have just put, I am all ears, I am happy to listen. Who knows? We might be able to work it out.

What is disappointing is the attitude of, 'Well, we find some of this a bit hard. You know what? We are not even going to try and engage with this. Were are just going to vote no.' I think that is a bit average, really. For Mr Bevan, if he is still listening, this is the sort of thing that you do not pick up all the time. It is when we are trying really hard to engage with the opposition and we are asking them to come and work with us on this, and they just say, 'No, too hard. We do not want to have anything to do with it. We're just going to say no.' I want to give them a chance to think about that again.

During the time the bill is between this place and the other place, the opposition has a couple of party room meetings. I know lots of exciting things happen in there. Have another think about it. I am interested in hearing if you have positive, constructive suggestions. Just come and talk to me. We may yet be able to do a great thing for the honest labour hire employers and employees in South Australia.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:42): I move:

That this bill be now read a second time.

The house divided on the second reading:

Ayes 20
Noes 14
Majority..... 6

AYES

Bedford, F.E.	Bignell, L.W.K.	Brock, G.G.
Caica, P.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hamilton-Smith, M.L.J.	Hildyard, K.A.
Hughes, E.J.	Kenyon, T.R. (teller)	Koutsantonis, A.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Rankine, J.M.	Rau, J.R.	Snelling, J.J.
Vlahos, L.A.	Wortley, D.	

NOES

Chapman, V.A.	Duluk, S.	Gardner, J.A.W.
Knoll, S.K.	Marshall, S.S.	Pederick, A.S.
Pengilly, M.R.	Redmond, I.M.	Tarzia, V.A.
Treloar, P.A. (teller)	van Holst Pellekaan, D.C.	Whetstone, T.J.

NOES

Williams, M.R.	Wingard, C.

PAIRS

Bettison, Z.L.	Pisoni, D.G.	Digance, A.F.C.
Griffiths, S.P.	Key, S.W.	Sanderson, R.
Mullighan, S.C.	Goldsworthy, R.M.	Weatherill, J.W.
Speirs, D.		

Second reading thus carried.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:49): I move:

That this bill be now read a third time.

The SPEAKER: Yes, that is what, conventionally, attorneys-general do in that situation.

Mr Knoll: We just voted on the third reading.

The SPEAKER: No, we voted on the second reading.

Mr GARDNER: Sorry, in that case I will speak on the third reading, given that the opposition was under the impression that it had been read a second time and then the motion was put that it be read a third time. We voted against it. We called a division and so we thought we had voted on it. However, we are happy to now vote against the second reading and we will vote against the third reading again.

The SPEAKER: Could I—

The Hon. J.R. Rau interjecting:

The SPEAKER: The Deputy Premier will be quiet. I call him to order. We have read the bill a second time. Would the opposition like a committee consideration of the clauses?

The Hon. J.R. Rau: There is nothing to consider.

The SPEAKER: No.

Mr Gardner: That is what he said last time.

The SPEAKER: The Deputy Premier is warned. There may well be nothing to consider, but it is not for him to interject about it. The motion before the house is the motion of the Deputy Premier that the bill be now read a third time and the member for Morialta wishes to speak on that.

Mr GARDNER: I did speak on it, sir, just then.

The SPEAKER: It was so swift that I missed it.

Mr GARDNER: You commented on it. You commented on my comments, sir.

The SPEAKER: Will the deputy leader now speak on the third reading?

Ms CHAPMAN: I will, sir, yes.

The SPEAKER: Splendid.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:51): May I just add a few matters that I would like the government to consider. The proposal, as we understand it from the

government briefing, is that Consumer and Business Services be responsible for the administration of this scheme. As I indicated during the debate on this matter, SafeWork SA attended the briefing on this and I inquired as to whether they ought to be the body that supervises this if it ever becomes law, which had come to us from some stakeholders. They indicated that they obviously had not been nominated, although they currently had jurisdiction in respect of the prosecution of occupational health and safety matters and that obviously would ultimately be a matter for the government.

When I spoke to the stakeholders, in particular the South Australian Wine Industry Association representatives, they confirmed that SafeWork SA already deal with the licensing of recruitment businesses pursuant to the Employment Agents Registration Act 1993, which is a licensing process similar to what is proposed here, namely, the fit and proper person test. They attend to the registration licensing arrangements for the recruitment businesses, as I have indicated, particularly as SafeWork SA already has a role in respect of business operations. Obviously, it is currently confined to occupational health and safety.

I am comforted by the fact that SafeWork SA finally has a new head of its division after the previous chief executive left SafeWork SA sometime late last year. I am advised through some of the recent briefings—in fact, I think it was Mr Watson who confirmed to me—that SafeWork SA now has a chief executive. Martyn Campbell is the new chief executive officer effective from—I cannot even read my own writing—the last couple of months. He has been appointed now, so all that sounds good.

On the other hand, I note with interest the SafeWork SA ministerial statement made by the Attorney today in his role as Minister for Industrial Relations. Having told the parliament today that the DPP had conducted a review in respect of the failing prosecutions since 2010 apparently, as directed by the Premier if the media reports are right, it seems that since SafeWork SA has been in the hands of the Attorney-General as Minister for Industrial Relations rather than the Premier's office, it has gone from bad to worse.

Not only have we had the shocking situation of there being an increase in cases that have been aborted for some unknown, and now secret reason, because we are not allowed to see the DPP's report but also the alarming increase in the number of workplace deaths. We did not have any comprehensible answer on that from the Attorney or the Premier today. So, although it has been put as a recommendation to us that SafeWork SA, as an agency, should assume the responsibility of the operation of this bill if it comes into law, obviously it will not be with our blessing for the reasons that have already been presented.

However, I make the point that if SafeWork SA were to take on this role we would want to be satisfied that, as an agency, it is functional and it is going to be effective and it is doing its job properly and that, under its apparent new stewardship, things are going to improve. However, if we have the same level of secrecy from the government in respect of the operations of that entity then we are clearly going to have some problems.

That is not to say that Consumer and Business Services has not been without its critics. Again, the Attorney-General is responsible for that agency—and it does not augur well for the management of some of the things that he is responsible for—but this is yet another agency which has been criticised for failing to respond to consumer complaints and which does not have a good reputation in the general community for being of assistance to consumers in areas that they are already responsible for.

I just say to the government that proposing the Commissioner for Consumer and Business Services attends to the enforcement and administration of this new responsibility, if it passes, I think has significant problems already. However, the proposed SafeWork SA option is not without problems as well and would need to have a significant improvement. If this legislation ever sees the light of day through the legislative process here in the parliament, then I am happy to discuss it further with the government because it is a matter of concern to industry that they have an agency that is actually functioning at a reasonable standard and will attend to the enforcement in a fair and equitable manner.

The other thing I will conclude on in respect of this—and I had not disclosed this during the course of the second reading but I will now—is to say that I do represent, in the electorate of Bragg,

a significant number of horticultural and viticultural businesses that rely on labour hire companies to provide labour and workforce particularly during seasonal pickings and processing. I had not referred to it earlier but certainly a number of individual entities have confirmed to me that they are not averse to there being some regulation over the labour hire companies that they deal with.

However, it is fair to say that those I spoke to were very happy with the service of the labour hire companies that they use for the purposes of providing seasonal workers and had not had any direct complaint. But, again, they all seem to be full bottle on some stories about people who they felt were not good operators and who ought to be prosecuted or at least investigated, and that the existing agencies were everything from lazy to derelict in their duties in making sure that bad labour hire companies were not being investigated.

Another matter I will mention is that in the Queensland legislation one of the things that was recommended, instead of having very substantial fines plus the criminal sanctions of imprisonment for breaches—obviously, the National party in Queensland was objecting to this bill in any event—one helpful contribution, I thought, was to suggest that in there being a monetary fine regime, whether it is $50,000 or whatever for the first offence, there be very substantial increases in the monetary fines on second, third or subsequent offences—that is, into the hundreds of thousands of dollars. Perhaps that is something that needs to be considered, but certainly there is no justification for the imprisonment terms and, for all of those reasons, again, we confirm that we oppose this bill.

Sitting suspended from 18:00 to 19:30.

Mr TRELOAR: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bill read a third time and passed.

SUMMARY OFFENCES (INTERVIEWING VULNERABLE WITNESSES) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill with the amendment indicated by the following schedule, to which amendment the Legislative Council desires the concurrence of the House of Assembly.

No. 1. Schedule 1, page 3, after line 29—after clause 1 insert:

2—Prescribed interviewer

(1) An interview conducted by a designated person with a potential witness during the transitional period will be taken to be (and always to have been) an interview conducted by a prescribed interviewer for the purposes of section 74EB of the *Summary Offences Act 1953*.

(2) In this clause—

designated person means a person identified by the Minister for Health by notice in the Gazette as a designated person for the purposes of subclause (1);

transitional period means the period commencing on 1 July 2016 and concluding on 21 August 2017.

Note—

The *Statutes Amendment (Vulnerable Witnesses) Act 2015* came into operation on 1 July 2016.

Consideration in committee.

The Hon. J.R. RAU: I move:

That the Legislative Council's amendment be agreed to.

Motion carried.

STATUTES AMENDMENT (TRANSPORT ONLINE TRANSACTIONS AND OTHER MATTERS) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

FINES ENFORCEMENT AND DEBT RECOVERY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (19:34): I speak on the Fines Enforcement and Recovery Bill 2017 and indicate that I expect to be the one and only speaker for the opposition. Can I start by saying that this is a bill the Attorney-General introduced on 9 August 2017, and it is a bill that started out with some reasonable statements and aspirations of the government to strengthen the capacity of the recovery of expiation fees and fines and the like. It then had a very significant reform to provide for the recovery of civil debt owed to the public authorities via the unit, which was established under the legislation and the substantive legislation that it is amending.

To do that, it proposed to extend the areas of responsibility of the actual Fines Enforcement and Recovery Unit (FERU, as it is frequently described) and the officer in charge to be upgraded from the status of the chief recovery officer (CRO). Accordingly, this bill sets out the proposed functions and powers of the new CRO. That is where it started—aspirational and reasonable—but, as time developed in the briefings on this matter, it became a shocking mess.

That does not mean that the government's intention of making some improvements is not to be considered meritorious, or indeed their not exclusively novel but still relatively new approach of having some central agency in the bureaucracy take responsibility for the civil enforcement or the civil debts of the Crown, but more significantly it became patently clear that government were yet again trying to sneak through some reforms to fix up a stuff up, basically. That is always concerning because it now comes to the situation where we have to scrutinise legislation, which we should not have to, to the level of concern as to whether, in fact, what the government says it is doing is actually what is in the bill.

Usually, that is a problem because it is by omission of the government drawing attention to any of the reforms in a bill or trying to diminish them as some kind of minor reform, procedural, just resolving some minor matter. When they are completely silent on it, it really does concern the opposition that the government should be so sneaky, secretive and downright unreasonable in asking parliament to progress legislation when they do not give a full and frank disclosure of what these things are about. True to the form of the government, this is exactly the bill that we are having to deal with.

Let's just recap: FEARU was established on 3 February 2014, pursuant to the 2013 legislation, and is part of the Attorney-General's Department. The opposition supported the establishment of this unit. We were not as convinced that it was going to be such a streamlined, cheap option—quicker, cheaper, etc., as they usually pronounce in their reforms—in respect of transferring the recovery of fines to the bureaucracy rather than continuing through the courts. Nevertheless, it progressed and we did not stand in its way. We raised some concerns during its development but, in any event, we acquiesced with that reform. There was a strict program of process to be undertaken in the enforcement of fines via the bureaucracy for good reason, obviously.

The operation of the unit has identified some failings and the bill aspires to remedy some of those. One initiative I think is reasonable is for the bill to be able to remove the current upper limit of 500 hours of community service to allow this to be used as an option where debtors face financial hardship—a sensible amendment. There are also some provisions for offenders with cognitive impairment to enable the withdrawal of expiation notices against them, and that then becomes an administrative decision.

Compensation and restitution payments will also have priority ahead of the victims of crime levy, giving the direct victims of a specific crime priority. That is an initiative which we have considered appropriate for a long time and we are pleased the government has finally taken up that approach for two reasons: first, because the victim of a specific crime at least ought to have the opportunity to recover, as the case is progressing, and at the time of sentencing have immediate direction for payment to them, and that should precede the victims of crime levy; and, secondly, the current balance of the Victims of Crime Fund is hundreds of millions of dollars and it is sitting there—in my view, scandalously wasted by not being applied to victims of crime. In any event, they are all matters that are uncontentious and we agree with them.

The enforcement power to seize a person's numberplates, there is nothing wrong with that, but currently under the law they can take the whole car. It does seem an excuse for the government to be grandiose about their improvements on recovery when they espouse this as some great major initiative. Unquestionably, the government has faced regular criticism through media outlets on the effectiveness of FERU for failing to take effective action against persons with multiple and accumulated fines and penalties. The debt owed to the state in outstanding fines is now well over $300 million and rising. I have heard the Attorney-General give his plaintive excuses on FIVEaa on a regular basis as to why this agency is justified. He tries to present sometimes pathetic excuses as to why its operations should be defended, when it has clearly and utterly failed.

However, the major reform in this bill is the provision to allow FERU to collect civil debt owed to the government. To do this, the CRO, as I have indicated, will have the power to enforce the debt owed by a public authority and if debtors seek to challenge or cross claim they will need to institute proceedings in court. Effectively, this places responsibility on the debtor to incur the cost of instituting proceedings, and is a reverse of onus that applies to the enforcement of any other debt between citizens or corporates.

Should we allow it? Should we accept this type of bureaucratic, centralised unit to undertake this role? One would have to ask the question: if it is good enough for governments, why should it not be allowed for citizens in respect of their recovery of debts? It is a bit like when the government decided that all industrial matters for businesses had to go off to Canberra to the Fair Work Commission to sort out their matters, but it was not good enough for the government and/or local government so they were given the privilege of retaining the structure for their remedies in the state arena.

Our position on that is to accept that this will occur. I think it is pretty clear that unless there is a vast improvement in the unit there will be considerable issues raised, and perhaps we need to look at reform. Certainly, we will be reviewing this as the operation follows. It is fair to say that the model, which is based on a New South Wales arrangement that apparently has operated since 2012, is one about which we have made some inquiry and there does not appear to be any abuse of process or concerns raised that would justify us allowing that option to proceed here.

Apparently, each of the government departments or public authorities, as such, will have the right to opt in to use this central service, so it may well be that big entities such as SA Water, the health department or the transport department, where there is a major amount of issuing of invoices to citizens, may decide to keep their own unit and not go into a shared arrangement. Centralisation of a particular area of responsibility in government departments has not had a good record, I have to say. If Shared Services were to be a model of this government in implementing that, then we would say that it will be a short lived operation. It will be a disaster and most of the agencies will certainly be opting out of it.

In any event, as we understand it, Mr Ovenstone, who is currently the head of the fines unit, was asked to prepare a report for the Attorney-General in respect of the program. I was a bit concerned to note in the briefing that they then used a Queensland debt recovery consultant to provide the report. It is bad enough that they have outsourced that out of the state. What is even more concerning is that they have not even provided the report to us, but perhaps that is still coming. Perhaps the Attorney can indicate why that has not been provided, as had been requested at the briefing.

The government briefing provided on 5 September confirmed that the justification for moving towards central civil debt recovery by this unit was, firstly, that it had been demonstrated as effective and presumably efficient in New South Wales. We have no reason to suggest that is not the case. Secondly, they claimed a very low rate of challenge to public sector debt by alleged debtors in this space. Again, that may be the case, but I point out to the house that the downside of this David and Goliath situation—David being the citizen and Goliath being the government—is that, of course, if they want to challenge it they will be the ones to institute it.

Every bill I see in this parliament in recent times manages to claw up an increase in application fees, particularly the initiating application fee. We have just passed a bill today to enable there to be graduated fees in respect of the Magistrates Court. I am not comforted by that, but I will indicate that if there are problems with this and people are excluded unfairly in respect of the process of determining disputes on debt, it will be a matter that we will certainly have a good look at. In the meantime, we will not stand in their way.

I want to raise something that became clear last week when we finally received material in respect of the pending court action. Although during the consultation we had received some correspondence suggesting that there had been a failure of process in the operation of the unit, in particular the failure to issue the requisite certificate for the purposes of enforcement pursuant to section 13 of the Expiation of Offences Act, it did not become clear to us that this situation was not only current but was the subject of court action pending in the Supreme Court and that the potential failure to comply with this process would result in a substantial taxpayer bill.

We had a good look at it, and it seemed quite clear that the government had, for whatever reason, not been full and frank in what had been happening in this regard. As I said, unfortunately that has become a pattern of behaviour of this government. The consequence of this is that there are provisions in this bill, in particular clause 3(2)(a) of the bill in respect of enforcement action and clause 72 to provide protection by way of civil liability to the Crown, which do not have any explanatory material with them. Clearly, if passed, they would have the effect of preventing embarrassment to the government and potential financial embarrassment if the decision goes the wrong way.

What do I mean by the decision? I mean that there is a current case before the Supreme Court against the state of South Australia by a claimant and the Adelaide city council which Chief Justice Kourakis has had before him, and a few weeks ago he reserved his judgement. One of the core issues in relation to that is the validity of the fines enforcement against the applicant based on this failure in relation to the process.

Let me say this: section 13 of the Expiation of Offences Act sets out a very comprehensive procedure about what has to happen if a fee is to be enforced under this principal act. It is there for good reason. It is very concerning to us that in the three years this unit has been operating, there appears to have been no compliance with the issuing of this requisite certificate. Whether ultimately a decision is made by the courts that this in some way invalidates the enforcement processes that have occurred to date would be very concerning. Not only is it appropriate that the government has the opportunity to legitimately collect its fines—in fact, we expect it to do so—but that could result in there being a number of challenges.

Heaven help us if that occurs because, on best estimate, by late last year there were close to 600,000 fine enforcement cases in that time, and we have a rough estimate now of almost 700,000 cases which have passed through this unit. Obviously, when these things occur, not everybody rushes in to try to sue the government or to try to have their fines invalidated, or in this case attempts to get some benefit from it, thankfully.

But what is really concerning to me is this increasing secrecy around these things. There is no reason why the government could not, when it introduced this bill back on 9 August, have said to the parliament, 'We are doing these things, as outlined already, and in addition to that we have identified that there has been a deficiency in respect of the process. It has been identified. It has been remedied. It is being complied with, but in the meantime, the state is potentially exposed to some liability and we need to protect taxpayers. It has been inadvertent. We apologise for it and we need some assistance for the statutory protection.'

Now, unfortunately, that increasingly is a situation we do have to deal with, but unfortunately the government did not do that. They did not come in and say, 'Look, this is the situation.' They just thought they would sneak it in, as usual, to try to get this through. What the opposition has decided to do in these circumstances, as infuriating as it makes us to have to deal with this sort of thing when it is exposed in this manner, is to allow this bill to progress in this house.

I will need some answers from the government; I will need to see this report that purports to have been commissioned by John Ovenstone. I think the parliament and the public do need some answers to the following:

1. When this was identified as a problem, were all subsequent enforcement cases properly complied with, pending some reprieve under this legislation?

2. Has any modelling or assessment been made as to consequences if we do not give this blanket civil liability protection to the government because of this complete stuff-up?

That is really what we need to know. Bear in mind that Mr Ovenstone is not operating a unit that is statutorily independent, obviously.

It is up to the Attorney not only to make the disclosure but to provide the explanations. The Attorney-General is asking us in this bill to expand the responsibility and powers to Mr Ovenstone in respect of undertaking the collection of civil debt for the government and, if he expects us to continue to support legislation like this through the passage of the whole parliament without there being a very clear, full disclosure of the information that is sought surrounding this complete mess, then he cannot rely on us continuing to support those aspects of the bill. It is as simple as that.

You come clean, you come with clean hands, if you expect our support. We will not tolerate the continued contemptuous conduct by the Attorney-General and/or his government in the shoddy way in which this has been presented, undisclosed and dealt with. The Attorney is on clear notice. I do expect some response with the material in between the houses, otherwise he is on clear notice that aspects of this bill may well be under challenge in another place.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (19:57): Can I say that there was a considerable amount of optimism building up in me that there would not be the ultimate or penultimate burst of invective at the end of the contribution by the deputy leader, but, no, my hopes were dashed at the last moment, as it turned out. There are three propositions here that need to be considered, and they are pretty simple.

The first one is in respect of the collection of fines that are owed to the state government, either because of an expiation having been issued by the police or, in some instances, local government, upon whose behalf the state government collects these things, or in some cases it is a fine imposed by the courts. Given the fact that the agency that is charged with the responsibility of helping to collect these fines—and, incidentally, has been doing a very good job of improving the rate at which these fines are being collected (and they need to be given credit for that)—they are asking for additional support and assistance in the legislation.

So the first question is: do we want to keep whingeing about how much money is uncollected, and not give the agency that is collecting that money the assistance it is asking for to be able to do a better job? That is the question. The answer to that question on the government side is unequivocally, 'Yes, we do want to help you collect as much of that outstanding money as possible because it is owed to the taxpayers of South Australia'.

So our answer to that is pretty clear. When I was listening to the deputy leader initially I thought she was heading down that track as well. I am not sure if that is where she landed ultimately, but to the extent that what she was saying was that she agrees that we should be helping them I say to her, 'Thank you'; to the extent that she veered off from that at the end, I say we have a point of difference, because we are trying to help them.

The second question is about civil debt owed to the government. Given the fact that we have a stand-alone dedicated specialist debt recovery agency, is it not sensible that government agencies

across government should be able to engage that specialist unit to help recover their civil debts? That is a simple question. The answer to that question, I hope, is transparently and obviously, 'Yes. That makes sense.' That is the second question. It either makes sense or it does not. You let every agency have its own peculiar way of doing things and either collecting or not collecting things according to their skill base, or you actually find an agency which has a particular focus of activity, which is collecting moneys, and you let them do it. I would have thought that is a self-evident answer to that question as well.

Then the third question is about where the conspiracy theory begins and we travel off down that oft repeated path we go down where the moon landing is filmed at Universal Studios and Roswell and Area 51 and all that stuff. The whole point of this is really, really simple. This is not a conspiracy. This is a case very simply of this: it has been brought to the attention of the Attorney-General's Department that there is a case before the Supreme Court. As I understand it, it is the view of the legal advisers in the Attorney-General's Department that if one of a number of potential outcomes arises from that case in the ultimate judgement, then that will create a problem where an unintended and unforeseen outcome might create a whole bunch of problems that the parliament would no doubt quite reasonably be expected to fix.

What we are doing is saying that it may be that the Chief Justice, or whoever is seized of this matter, determines the matter entirely in the favour of the government and no remedy or rectification is required. It may not be. We do not know. But what we do know is that, knowing that there is the potential of that being a problem, having this bill in front of us and being so neglectful as to not attempt to remedy that before it becomes a problem would be foolish. So out of an abundance of caution we are making clear through this bill that what everybody thought was going on and what everybody believed in good faith was a bona fide exercise of power under the act by the unit will be, notwithstanding the outcome of that particular matter, the case.

In other words, what everyone thought was happening has happened in an authorised way as everyone anticipated it had been and, in the event that the court determines otherwise, we will have rectified that matter. It is of course entirely possible—and I am not reflecting on the chances of this because who knows what is going through the mind of the Chief Justice on this matter—that the outcome might be that there is not a problem, in which case we have just had a remedial measure which has done no harm but which has reinforced the position as people understood it.

So there are three points. First of all, do we want to support the fines enforcement unit in improving the rate at which it recovers moneys from people who have broken the law in some way or other and have had a fine imposed upon them? The answer to that is either yes or no. If the answer is yes, you support that bit of the bill; if the answer is no, then I guess you can oppose it. The second point, civil debts owed to the state: do with think it is wise for us to have a specialist collection agency for the state to attend to those matters? If the answer to that is yes, you would support the bill in that respect. If the answer to that is no, then I guess you would not.

Then the final point is, having been alerted to the potential—and I emphasise 'potential'—risk to bona fide actions by this agency over a period of time presented by an as yet undetermined and undecided legal dispute in the courts, is it prudent, given that this bill is open, to put beyond doubt that issue? Again, if the answer to that is self-evidently yes, then this bill is the correct way to proceed.

Those are really the three points. Do we help the agency? Yes. Do we want centralised debt collection? Yes. Do we want to ensure that in the event of there being a decision in the courts that actually throws the existing circumstances of the agency into some uncertainty, would we be intending to fix it up? If the answer to that is yes, we might as well do it here. There is no conspiracy here. There is nothing weird about this. This is prudent, given that we have been alerted to the fact that there is a risk. Those are the only matters I wish to address in relation to the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Ms CHAPMAN: I am happy to ask these questions in respect of the first paragraph but, as I indicated in the second reading contribution, my concern is in relation to what the Attorney now describes as a bone fide potential problem arising out of the bone fide conduct of his unit. Attorney, when were you first informed that there was a problem with a deficiency in the certification process? I assume it was before 9 August, seeing the provisions in the bill were already there when you tabled it.

The Hon. J.R. RAU: I am advised that the circumstances were that the officers in Legislative Services were alerted to the fact of there being a risk, potentially presented by proceedings in April or May of this year. That possibility was conveyed by Mr Ovenstone, the head of the unit. Pursuant to that, it was considered prudent that something be done about it, given the fact that we were attending to other matters in the bill. Far from it being concealing about it, this has been hidden in broad daylight since the introduction of the bill at the beginning of last month, whenever it was.

Ms CHAPMAN: Attorney-General, it is really not very acceptable to talk about being in broad daylight. Of course there are clauses in this bill, but do not get too smart by half. You said nothing about this in your second reading speech. You gave no indication in any public statements you made, including media releases. None of this was disclosed at the briefing that we had, which included Mr Ovenstone's presence, and no reports have been received since, including the report prepared by Mr Tim Lloyd in the Queensland consultancy, assuming that even touched on this issue. It may well have, just on the civil debt recovery, but do not get too cute.

We are supporting the passage of this bill. Do not try to claim that, by sneaking in through clause 72 some civil liability clause, a protection clause, this was fully disclosed to the people of South Australia because it clearly was not and you should stand condemned on the secrecy surrounding it. So, having been made aware of it, can the Attorney assure us that thereafter Mr Ovenstone ensured that the unit did issue the proper certification for subsequent cases until now?

The Hon. J.R. RAU: I will have to seek instructions on that from Mr Ovenstone. I will get those between the houses; I just have to ask. Bear in mind that we do not yet know whether, in fact, we are facing a problem or not. Nevertheless, I will certainly ask him and will seek to advise the deputy leader between now and when the matter resumes elsewhere.

Ms CHAPMAN: Having been apprised of this by Mr Ovenstone, did you make any inquiries of him as to what action he was going to take to ensure this was not ultimately putting taxpayers at risk?

The Hon. J.R. RAU: I am advised that there were some communications between Mr Ovenstone and the Crown, and I would need to reflect on whatever advice he received and exactly how he proceeded with that.

Ms CHAPMAN: That does not really fill us with confidence. What we are seeing here is a situation where since April/May, when it was identified that there was this deficiency that could potentially result in some claim, having been identified as not having occurred, even if it did not have the effect of causing some process to be invalid, surely you would have sought some reassurance from the head of this unit that full compliance would occur in respect of the requirements of section 13 until this matter was either remedied and protected by statute or dismissed in a court action.

The Hon. J.R. RAU: As I have said, I will seek advice about exactly what steps were taken. As I advised the committee a moment ago, there was an initial conversation between Mr Ovenstone and Leg. Services in April or May or thereabouts, at which point Leg. Services were alerted to the potential risk presented by this case. At that point Leg. Services were in the process of preparing for consideration by cabinet the proposal to introduce this bill, and a remedy for that particular concern was incorporated into the proposal out of prudence. As to precisely what steps went by in the interval, I am not in a position to answer that question without seeking further information from Mr Ovenstone, which I will do.

Ms CHAPMAN: Finally, in respect of Mr Tim Lloyd's report from Antaris in Queensland, what is the progress of the debt recovery consultant's report being provided?

The Hon. J.R. RAU: I will check it out. Just to correct the record, I am advised that the actual recommendations that came from that report have been provided to the deputy leader, so the deputy

leader has seen what the report ultimately recommended. I do not believe there is any ambiguity about what the report suggested should happen, so it is not as if the deputy leader has not been provided with that information.

I will find out whether there is any concern about the balance of the report, which is the bit leading up to the recommendations—which, as I said, I am advised deputy leader already has—and whether there is any matter or matters in there that would be of concern or be a problem with her seeing the balance of it. However, as I said I am advised that the actual recommendations from the report have already been provided.

Ms CHAPMAN: I will certainly place this on the record: I simply do not have them. I appreciate that you send me a lot of correspondence, but I do not have anything on this aspect or recommendations. I have a reference to the information provided at the briefing as to who did the report, and the consultancy referral from you to Mr Ovenstone, to the consultant for the preparation of the report.

I am only assuming that this report recommends a process which is outlined in this bill and which provides for an opt-in for local government, etc. I would like to see the report, and I would like it to be produced between the houses. I will undertake to then make it absolutely clear what our position will be. As I have indicated, we are not interfering with the reasonably expeditious process of this bill through this house, especially now that we are alert to this problem, but we do want that information.

The Hon. J.R. RAU: As I said, my information was that we provided the recommendations. The deputy leader does not recall having received them. I think we clearly have some misunderstanding or whatever that has occurred. I certainly wish to rectify that as quickly as possible, being that the recommendations are provided. As I indicated, I will turn my mind to whether or not the report in total is something that we can provide, because if there is no problem in providing it, quite frankly we should provide it. I just cannot give that undertaking until I know exactly what the issues are, if any, with the provision of the report itself.

Clause passed.

Remaining clauses (2 to 76) passed.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (20:17): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

Ms CHAPMAN: I indicate that the opposition supports the bill. I have received notice this morning of an amendment foreshadowed by the Attorney-General with an explanatory paragraph from a policy adviser from the department. I do not fully understand what that means, but obviously it deletes the Police Ombudsman. It proposes the review agency. I am not quite sure how that comes about, but perhaps that can be explained. Otherwise, I indicate that we are supporting the bill.

The Hon. J.R. RAU: First of all, can I thank the deputy leader for her indication of support; it is very much appreciated. I will do my best to provide now an explanation for the amendment. If

there is any further issue that I can help the deputy leader with, I am more than happy, obviously, to try to attend to that during the committee stage.

The amendment to the Surveillance Devices Act is to address a technical oversight. The act received a royal assent on 23 February 2016 but is yet to come into operation. That act currently prescribes the Police Ombudsman as the review agency for South Australia Police. The review agency has functions under the act to inspect the records of investigating agencies, in this case the records of SA Police. The Police Complaints and Discipline Act 2016 created a new complaints scheme that resulted in the closure of the Police Ombudsman from 4 September 2017.

The Police Complaints and Discipline Act made the consequential amendments to a number of statutes to transfer the functions and powers of the Police Ombudsman to other agencies, but a consequential amendment to the Surveillance Devices Act was overlooked. Amendment No. 1 removes the Police Ombudsman as the review agency for SA Police and replaces it with the reviewer under schedule 4 of the Independent Commissioner Against Corruption Act. The Hon. Kevin Duggan AM QC has been appointed as the reviewer under schedule 4 of that act until 4 March 2020. The amendment is consistent with the review agency for SA Police under the Listening and Surveillance Devices Act 1972, which the Surveillance Devices Act will replace.

Bill read a second time.

Committee Stage

In committee.

The CHAIR: We need to advise the committee that as Chair I will be making a clerical change to include 'No. 2' in the short title. Is everyone okay with that? It is to distinguish it from other bills with similar names. Apparently, you like to name bills in a similar fashion.

Clauses 1 to 6 passed.

New clause 7.

The Hon. J.R. RAU: I move:

Amendment No 1 [AG–1]—

Page 3, after line 34—After clause 6 insert:

Part 5—Amendment of Surveillance Devices Act 2016

7—Amendment of section 3—Interpretation

Section 3(1), definition of *review agency*, (a)—delete 'the Police Ombudsman' and substitute:

the reviewer under Schedule 4 of the Independent Commissioner Against Corruption Act 2012

New clause inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (20:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (TERROR SUSPECT DETENTION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 June 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (20:23): I rise to contribute in respect of the Statutes Amendment (Terror Suspect Detention) Bill. This is a bill that was introduced in June by the Attorney-General subsequent to a meeting between the Premier and the Attorney-General and Minister for Police when they publicly announced the government's intention to amend the bail and parole laws. Members would be aware that there has been considerable activity in this space since, in more recent times, the Man Haron Monis incident in the Lindt Cafe on 15 December 2014.

I recall, subsequent to the inquiries into that siege and the tragic loss of life of two hostages and, ultimately, Man Haron Monis killing himself, that the state government here took the view that it was not necessary for us to look at tightening our bail laws. In fact, I have a letter from the Attorney-General suggesting the same, that we are different from New South Wales and so on. Nevertheless, the situation has progressed. There have been incidents around the world which have culminated in the Prime Minister calling on state attorneys, after a number of meetings, to review their parole decisions on terror-linked cases.

It is fair to say that the upgrading has followed in this bill. Currently, under section 10A of the Bail Act, there are a number of circumstances when a presumption of bail is reversed, including manslaughter and unlawful killing using a car, blackmail, causing a bushfire, serious and organised crime and threat to a public officer. This list has been added to whenever there has been a controversy surrounding a particular case, e.g., causing death by dangerous driving subsequent to the Eugene McGee case or the announcement by premier Rann that he would get tough on people who caused a bushfire, even though we already had life imprisonment penalties for arson.

In any event, on our side of the house we have been concerned about what appears to be fairly slow attention to the urgency of some of these matters. I will give one example. Minister Bettison is the Minister for Social Inclusion. Under an agreement at the Law, Crime and Community Safety Council back in 2015, there was a general agreement to deal with and advance programs to counter violent extremism. The radicalisation of youth was one of the areas identified as important, particularly in South Australia where that appears to be one of our greatest areas of risk.

I noticed just today that the new police minister has indicated that he is going to introduce laws to increase penalties for the possession of what has been broadly described in the media as extremist material and for detonating homemade bombs and apparently some other things. Obviously, we have yet to see the legislation on that announcement. The radicalisation of South Australians, particularly young people, is an area of concern that has been around for some time. Minister Bettison was given a responsibility, and $135,000 from the commonwealth, to appoint a task force and a 'responsible person'. It took until about August the following year.

Several times, I asked in parliament whether this person had been appointed, and we had briefings with SAPOL and the like. This year, in about April or May, we finally sought a meeting with the responsible person, who was a youth officer, as I recall Ms Bettison's description. This was the person, as I say, the commonwealth was funding to assist in reducing the risk of radicalisation in youth. They were to go to schools and presumably community organisations and the like, help people identify if there was potentially a problem within those organisations, be alert and report behaviour of concern to the appropriate agencies.

I suppose they were also to give those communities guidance and assistance as to how they might manage someone who was showing some sign of resistance to activity in the community, becoming isolated and making statements that could be interpreted as showing an association with a group or idea that would cause some threat or risk. That is great, but then we found that, within the short time before we were due to meet this person, they had resigned. We still have not had any announcement from the Minister for Social Inclusion that that person has even been replaced.

Whilst I see that the new minister (minister Picton) has announced that they want to get on with dealing with legal sanctions against people distributing extremist material, this is exactly the area of radicalisation that this youth officer—who until around April or May this year was in situ, but has resigned—is supposed to be doing.

So it is a real concern. In this space, South Australia, in recent history, has not been the victim of death or destruction by terrorist acts—great. We have not had our water poisoned. We have

not had Adelaide Oval bombed, etc., but obviously there is now a national agreement, as we are still on high alert, that we actually follow through with what we have agreed to do. In South Australia, we agreed—apparently via the Minister for Social Inclusion—to attend to this issue of trying to counter terrorist activity in the radicalisation space.

I just say to the Attorney that while you were apparently not given that job—this was given to another minister—if we are going to go down the legal reform in respect of bail and parole, and the reversal of onuses, that is fine. However, we need to ensure that other agencies in the state government are also doing what they are supposed to be doing. Accordingly, at the moment we do not have a lot of confidence that appropriate attention is being given to this, other than trying to get headlines about what you say they are going to do, or what the new minister says he is going to do.

From the police briefings we had, they confirmed that they were not in the space of training for antiradicalisation. That is fine; I totally understand that, as they have a different realm. We appreciate the briefings they have provided to us. We do not need to go into detail about those, suffice to say that they are our force of first responsibility, as in every other state. Obviously, in light of there being any attack or civilian risk, they will be our task force of first response. I hope we do not have to need them, but I am confident that if we do they will do whatever they can to ensure that our community is safe.

However, as I have said, I am not so confident that the other agencies are actually doing what they are supposed to be doing. In any event, in respect of this legislation, we support these initiatives. Two reports were tabled today in respect of some investigation into criminal intelligence. I have not had a chance to read them yet. I am not sure whether they are covered in relation to any of the sharing of intelligence which is proposed under this bill, but that is another area where I think there has been general COAG agreement on the exchange of information, obviously with the same end of ensuring that we are protected against the risk of terrorist activity. With that, we support the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (20:33): Can I again thank the deputy leader for her indication of support for this bill. In the time that she was speaking, I was able to make some very brief inquiries with minister Bettison. Those inquiries have revealed that the individual about whom the deputy leader spoke has been replaced. I am advised that the replacement occurred as of 11 September this year, so—

Ms Chapman: I'll finally get a briefing, will I?

The Hon. J.R. RAU: Well, that is a matter the deputy leader can take up with the minister, but I just thought I would let you know. Because you are being so positive about things, I am trying to be as helpful as I can, and the minister has given me that information.

I just make another comment on this as well. South Australia, like I am sure all other territory and state jurisdictions in this country, is very keen to ensure that to the greatest degree possible we cooperate with the commonwealth government in relation to projects that are directed towards improving our collective safety as members of the Australian community.

There have been a few meetings between heads of government that have been discussing this topic. I think the deputy leader referred to that in her remarks. The deputy leader might recall from media reports in the not too distant past that the Prime Minister has actually convened another one of these meetings, which I believe is occurring on 6 October, if I am not mistaken. This is very much a matter that is in the mind of all of the political entities within this country.

These amendments which I will be seeking to move when we go into committee, which I believe the deputy leader has been made aware of and has had a briefing on, are intended to improve the original bill that was introduced in this place. Can I just place on the public record that it is possible that there may be further amendments that are considered or brought forward between here and the other place, not least because some movement may occur at that COAG meeting on 6 October. If something different comes out of that meeting—I am just foreshadowing for the Deputy Leader of

the Opposition so that there is no suggestion that we are being anything less than full and frank about this—there may be further changes that become prudent or necessary.

Basically, with the amendments we are proposing, this bill is our best effort, given the knowledge we have at the present time and given the feedback we have had from our own agencies at the present time. In essence, by passing the bill, hopefully this evening—and with the support of the opposition no doubt it will pass—we are placing ourselves in a position where we have a live bill between the houses, which we can, if necessary, further modify in the other place. I think if we approach it from that point of view, everybody knows where we are going and that is a constructive way forward. Again, I thank the deputy leader for her constructive remarks.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. J.R. RAU: Before I move the amendment standing in my name, I just want to check whether the deputy leader wishes me to say anything about these amendments, or have there been sufficient briefings for your purposes?

Ms CHAPMAN: I have had left on my desk at lunchtime, I think it was, a copy of what appears to be explanatory notes of each of the amendments. I have a copy of the amendments 213(1), apparently filed yesterday. I am assuming that is the complete set. I have been attempting, without diverting my attention from the important words you have been saying, Attorney, nevertheless to read that explanatory note as we have gone through. There is just one on amendment No. 6 that I am not entirely clear as to why that is there.

The explanatory note suggests that existing section 6 of the Criminal Law (High Risk Offenders) Act 2015 has the effect that the act does not apply in relation to a youth as defined in the Young Offenders Act 1993. This amendment will ensure the act covers terror suspects of 16 or 17 years of age. Can you explain what that means? Does it mean everyone over the age of 15 years is to be subject to the Criminal Law (High Risk Offenders) Act? Is that what that means?

The Hon. J.R. RAU: We are talking about amendment No. 6 at this point and the answer to the question is, yes, people over 15 years of age.

The CHAIR: We are actually talking about amendment No. 1.

The Hon. J.R. RAU: Yes, I know, but it might be that we do not really have anything further that we are not clear about.

The CHAIR: If you deal with No. 6 you can forget everything else; is that correct?

The Hon. J.R. RAU: I think we are happy with that too. I will simply therefore move each one of my amendments without speaking to them. I move:

Amendment No 1 [DepPrem–1]—

Page 4, after line 17 [clause 5, inserted section 3B]—Insert:

(2) For the purposes of subsection (1)(b)(i), a person is only taken to have been charged with an offence if an information or other initiating process charging the person with the offence has been filed in a court.

Amendment carried; clause as amended passed.

Clauses 6 to 10 passed.

Clause 11.

The Hon. J.R. RAU: I move:

Amendment No 2 [DepPrem–1]—

Page 6, after line 24 [clause 11(3)]—Insert:

(5) For the purposes of subsection (4)(a), a person is only taken to have been charged with an offence if an information or other initiating process charging the person with the offence has been filed in a court.

Amendment carried; clause as amended passed.

New clause 11A.

The Hon. J.R. RAU: I move:

Amendment No 3 [DepPrem–1]—

Page 6, before line 25—Insert:

11A—Amendment of section 59—Deputies

Section 59—after subsection (2) insert:

(3) If the presiding member of the Board is for any reason absent or unable to act for the purpose of section 74B or 77AA—

(a) if the first deputy presiding member of the Board is available, the first deputy presiding member must act as the presiding member for that purpose; or

(b) if the first deputy presiding member is for any reason absent or unable to act for that purpose, the second deputy presiding member of the Board must act as the presiding member for that purpose.

New clause inserted.

Clauses 12 to 18 passed.

Clause 19.

The Hon. J.R. RAU: I move:

Amendment No 4 [DepPrem–1]—

Page 10, line 16 [clause 19, inserted section 5A]—Delete 'A person' and substitute:

Subject to this section, a person

Amendment No 5 [DepPrem–1]—

Page 10, after line 20 [clause 19, inserted section 5A]—Insert:

(2) For the purposes of subsection (1)(a), a person is only taken to have been charged with an offence if an information or other initiating process charging the person with the offence has been filed in a court.

(3) A person is not a terror suspect for the purposes of this Act if the person is a terrorist offender within the meaning of subsection 105A.3(1) of the Commonwealth Criminal Code.

Amendments carried; clause as amended passed.

New clause 19A.

The Hon. J.R. RAU: I move:

Amendment No 6 [DepPrem–1]—

Page 10, before line 21—Insert:

19A—Amendment of section 6—Application of Act

(1) Section 6—delete 'This' and substitute:

Subject to subsection (2), this

(2) Section 6—after its present contents (now to be designated as subsection (1)) insert:

(2) This Act applies (with any modifications prescribed by the regulations) in relation to a youth who is of or above the age of 16 years and is a terror suspect.

New clause inserted.

Clauses 20 to 22 passed.

Clause 23.

The Hon. J.R. RAU: I move:

Amendment No 7 [DepPrem–1]—

Page 12, after line 17 [clause 23, inserted section 19A]—Insert:

(7) If the presiding member of the Parole Board is for any reason absent or unable to act for the purpose of this section—

(a) if the first deputy presiding member of the Parole Board is available, the first deputy presiding member must act as the presiding member for that purpose; or

(b) if the first deputy presiding member is for any reason absent or unable to act for that purpose, the second deputy presiding member of the Parole Board must act as the presiding member for that purpose.

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25.

The Hon. J.R. RAU: I move:

Amendment No 8 [DepPrem–1]—

Page 13, lines 4 and 5 [clause 25, inserted section 74B(4)]—Delete 'activities or of supporting or otherwise being involved with terrorist activities (*terrorism notifications*)' and substitute:

offences, or of supporting or otherwise being involved in terrorist offences, or of associating or being affiliated with such persons

Amendment No 9 [DepPrem–1]—

Page 13, after line 12 [clause 25, inserted section 74B]—Insert:

(5a) A police officer of or above the rank of inspector may, in accordance with guidelines issued by the Commissioner, provide a notification relating to persons suspected of terrorist offences, or of supporting or otherwise being involved in terrorist offences, or of associating or being affiliated with such persons.

(5b) If the Commissioner issues guidelines under subsection (5a), the Commissioner must ensure that information relating to the guidelines (including information about the criteria on which terrorism notifications will be provided by a police officer, the manner in which such terrorism notifications will be provided and the records that are to be kept in relation to each notification) is provided, as soon as practicable, to the Crime and Public Integrity Policy Committee of the Parliament.

Amendment No 10 [DepPrem–1]—

Page 13, after line 37 [clause 25, inserted section 74B]—Insert:

(10) In this section—

Commonwealth Criminal Code means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or a law of the Commonwealth that replaces that Code;

terrorism intelligence means information relating to actual or suspected terrorist acts (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice investigations into such acts, to enable the discovery of the existence or identity of a confidential source of information or to endanger a person's life or physical safety;

terrorism notification means a notification provided by a terrorism intelligence authority under subsection (4) or a notification provided by a police officer of or above the rank of inspector under subsection (5a);

terrorist act has the same meaning as in Part 5.3 of the Commonwealth Criminal Code;

terrorist offence means—

(a) an offence against Division 72 Subdivision A of the Commonwealth Criminal Code (International terrorist activities using explosive or lethal devices); or

(b) a terrorism offence against Part 5.3 of the Commonwealth Criminal Code (Terrorism) where the maximum penalty is 7 or more years imprisonment; or

(c) an offence against Part 5.5 of the Commonwealth Criminal Code (Foreign incursions and recruitment), except an offence against subsection 119.7(2) or (3) (Publishing recruitment advertisements); or

(d) an offence against the repealed *Crimes (Foreign Incursions and Recruitment) Act 1978* of the Commonwealth, except an offence against paragraph 9(1)(b) or (c) of that Act (Publishing recruitment advertisements); or

(e) an offence of a kind prescribed by the regulations for the purposes of this definition.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (20:43): Can I say thank you to all members who participated in this debate. It has been very constructive. I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 20:44 the house adjourned until Wednesday 27 September 2017 at 11:00.