HOUSE OF ASSEMBLY

Wednesday, 27 September 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 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 Committees

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO REGIONAL HEALTH SERVICES

Ms WORTLEY (Torrens) (11:03): I move:

That the 40th report of the committee, entitled Inquiry into Regional Health Services, be noted.

On behalf of the committee, I thank the member for Taylor for moving that the inquiry, referred by the member for Stuart, be undertaken by the Social Development Committee. I acknowledge and thank the many individuals and organisations who provided written submissions and those who also appeared before the committee. The evidence provided on matters concerning country communities has assisted the committee in its inquiry and in reaching the recommendations toward improving the country health system.

I thank, in the other place, the Presiding Member, the Hon. Gail Gago, and members, the Hon. Kelly Vincent and the Hon. Jing Lee. In this place, I thank the member for Hammond and the member for Fisher. My thanks also to the parliamentary staff for assisting the committee.

The inquiry has been a long and complex one with the committee hearing evidence from many stakeholders who live and work in regional and rural areas of our state and who have direct experience with the country health system and the changes brought about by the Health Care Act 2008. In addition to the 71 written submissions received, the committee held a number of hearings in Adelaide, as well as in the South-East, Riverland, Flinders and Upper North regions.

It should be acknowledged that each of the terms of reference could potentially have been a single inquiry. Certainly, the evidence received indicated that there was concern in many country communities over the depth of some of the issues. These have taken time to draw out and to understand the impacts for each of the stakeholder groups in those communities. The committee considers that the length of time it has taken to conduct the inquiry and finalise the report before you today has been warranted.

In general, the inquiry was to review the delivery of country health services, predominantly in relation to the functioning of health advisory councils. However, there are also those terms of reference that required examination of other aspects of the country health system: those which went beyond the role and responsibility of the health advisory councils. The Health Performance Council's 2011 review found that health advisory councils were generally ineffective in their roles and that the health system was not supportive enough in administering the 2008 legislation when it commenced. As a result, Country Health SA undertook to raise the profile of health advisory councils and engage local communities in communication and collaboration with the local health networks.

This inquiry has seen some of these goals met, including the Country Health strategic plan and consumer engagement strategies. Country Health was very positive about the gains made with these key policy frameworks. The health advisory councils, however, feel that they need to be further supported to allow greater headway to be made from the Health Performance Council's 2011 review.

The second part of the reference refers to the delivery of health services in regional South Australia and the role and responsibilities of the health advisory councils. Twenty-two of the 39 health advisory councils responded to this inquiry. There are examples of health advisory councils that are coping well with their responsibilities and the role they have in their communities. Others appear to either not know of the full scope of functions provided to them under the act or are unable to utilise

them. Issues raised include difficulty in establishing a cohesive identity, confusion about their role and what their purpose is, problems engaging with the community, loss of influence and power and feeling disempowered in decision-making processes.

The committee notes that some health advisory councils are functioning very well as healthcare advocates and fundraisers and have excellent relationships with their individual regional directors. Others told the committee that they did not feel there were clear lines of access to Country Health executive staff. These problems appear to have developed out of deficiencies in communication and a lack of collaborative approaches between Country Health SA and health advisory councils over a long period of time. In relation to terms of reference 2(b) through to 2(m), the committee found that there were a range of issues that ran contrary to the intentions of the Health Care Act. These include:

- Hospital budget decision-making: the committee received evidence that while most health advisory councils do not want to manage annual hospital budgets, they do want to have an input into them. The committee recommends Country Health SA develop guidelines to support this to occur.
- Consultation with health advisory councils in the hiring of senior hospital staff: some health advisory councils advised that they were not consulted in the process of hiring senior hospital staff and expressed their desire to be involved. The committee has recommended that Country Health SA develop clear guidelines for this consultation to occur.
- Service planning: while health advisory councils are mentioned in the Country Health strategic plan for 2015-2020, there is a need to acknowledge their capacity for input into the healthcare service planning. The committee recommends that Country Health SA recognise health advisory councils in core policy documents and continue to collaborate with them on the local 10-year health plans.
- Expenditure of donated money, procurement practices and building maintenance: the committee has made recommendations to increase transparency and accountability and give some control back to the community over how these funds are allocated. Measures should include an increase in the maximum threshold amount health advisory councils can spend before approval by the Minister for Health is required.

In relation to the dedicated work of the South Australian Ambulance Service, the committee received evidence regarding inefficiencies and pressures brought about from increases in low acuity patient transfers, the length of time to train volunteers and the need to increase volunteer recognition. The committee has made a number of recommendations that address these and other points of issue discussed in the report. For example, it is recommended Country Health SA continue working with SAAS in developing a memorandum of understanding for the low acuity patient transfers and other processes to assist volunteers.

In relation to SA Health procurement practices, evidence suggests that a review be made of the one-size-fits-all approach for country hospitals, particularly for those that are very small or a great distance from a regional centre. Evidence also suggests the procurement processes, whilst they aim to improve practices, can be restrictive to the health advisory councils and health services to which they are attached.

The committee heard the mandated use of DPTI as the across-government building management service provider can be a problem for some of the health advisory councils. For some types of building work it is expedient, practical and financially beneficial for DPTI services to be engaged. For others it has had a detrimental effect on local economies. The committee has recommended that the across-government facilities management arrangements be reviewed and health advisory councils given greater discretion to use a service provider of their choice.

The issue of medical workforce planning affects the whole of Australia's regional areas. While South Australia has higher than average number of GPs, they are not distributed evenly across the metropolitan and regional areas. The committee recommends Country Health SA revisit the 2010

report of the Rural Doctors Workforce Agency, 'Road to rural general practice', and consider implementing the suggested model pathway to increase rural GP numbers.

The committee also recommends that Country Health SA undertake to do further work with the Australian Nursing and Midwifery Federation (SA Branch) in furthering the development and implementation of the Country Health SA nursing and midwifery workforce attraction, recruitment and retention policy for the whole of South Australia. The committee has made a number of other recommendations aimed at achieving equitable distribution of medical staff in country areas.

In relation to the Enterprise Patient Administration System (EPAS), the committee received evidence of problems, challenges and technical concerns when it was first introduced, many of which have now been resolved. It is worth noting that the majority of concerns raised in relation to EPAS came from less experienced users such as GPs who consulted at the hospital on an irregular or infrequent basis. However, further improvements can still be made in areas such as data capture, and the committee has made a number of recommendations towards addressing this.

One of the highlights of this inquiry has been seeing how the integrated mental health inpatient units have benefited regional communities. There are now integrated mental health inpatient units in Berri, Whyalla and Mount Gambier, with occupancy levels at approximately 85 per cent. The committee travelled to Whyalla and received a tour of that unit. The committee commenced the implementation of the integrated mental health inpatient units and the work of the dedicated staff.

For a patient suffering from an episode of mental illness, the journey to recovery can be long and requires a multipronged approach for mental health professionals. The integrated mental health inpatient units form part of the circle of care in a patient's journey. The committee has made a recommendation for the Minister for Health to review the need to implement additional units in country areas.

The committee considered a number of other matters during the inquiry such as the efficacy of the Patient Assistance Transport Scheme, the administration of aged-care services and the linkages between primary, acute and tertiary care services. The report contains several recommendations for Country Health SA to review and continue to make improvements to these services.

In conclusion, I want to highlight again the immense contribution regional and rural communities make to our state's country healthcare system and the importance for these communities to be included in discussions about how the healthcare system is planned and governed. The report provides recommendations to garner potential for more extensive collaboration between Country Health SA, the health advisory councils and their local communities. It recommends a partnering approach and provides suggestions for health advisory councils to continue expanding the functions and capabilities of their role in accordance with the act. I commend the committee's report and the recommendations.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to welcome to Parliament House today a group from Mawson Lakes School, who I understand are between year 3 and year 7, and their teacher, Ms Adams, and any other adults who have been accompanying the group, through the office of the Serjeant-at-Arms. We hope you enjoy your time here in parliament. I think they are going to debate the abolition of homework bill later today, which might be of interest to you. No, we are not, but we do lots of very important things, so I do hope you remember your visit for a very long time and tell your mums and dads what you did today.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: INQUIRY INTO REGIONAL HEALTH SERVICES

Debate resumed.

Mr PEDERICK (Hammond) (11:15): I rise to speak on the inquiry into regional health services, which is the subject of the 40th report of the Social Development Committee. It was very interesting how this reference was established. The member for Stuart tabled the recommendation to have this reference in this parliament many years ago, in 2014, and since that time there has been quite a bit of negotiation around what exact reference points we would use.

There was certainly nervousness on the part of the government in relation to how much we were going to look into Country Health because Country Health, quite frankly, is something that this Labor government has not looked after at all well. I can remember decades ago campaigning out the front of this place to make sure that the Tailem Bend hospital stayed open, and many other events have happened over time.

It was a very interesting inquiry that went on for around 18 months. It was a complex inquiry and I would like to thank the people involved—the member for Fisher, the Hon. Jing Lee from the other place, the Hon. Kelly Vincent from the other place and the member for Torrens. I also note that the Hon. Gail Gago from the other place was Presiding Member of the committee. I certainly acknowledge the secretary, Robyn Schutte, and the two research officers, Dr Helen Popple and Ms Mary-Ann Bloomfield.

I absolutely pay my regards to the secretarial staff in coming forward with the recommendations, which did take much debate, and I certainly commend their work in getting this report in order. What this report highlighted to me was the simple fact of the total bureaucracy involved in delivering services into country South Australia—the seven layers of bureaucracy that people have to go through just to get services on the ground in their communities and with very little interaction with the health advisory councils.

There was a lot of discussion about health advisory councils and how they function throughout the state. Some are incorporated and some are not incorporated, and the government and certainly the department obviously have not communicated well to communities how much influence the health advisory councils can have in regard to health services in their community.

I am involved in several HACs in my community, and I have people co-opted to represent me on those committees. Sometimes, it feels like we are just juggling the balls in the air at another meeting and talking things around and not getting any real action on the ground. Let's hope that after this inquiry we do get some real outcomes and some real benefits for Country Health in South Australia.

One of the biggest issues is around fundraising and what happens with those funds going into Country Health. Over the years, many regions, many regional areas and many single town units have raised hundreds and thousands of dollars—it would amount to millions of dollars across the state—but there is just not the trust anymore about what happens to those funds if they are bequeathed to a health advisory council gift fund.

People are concerned that their funds could be siphoned off, so to speak, and go into something else. A lot of communities have set up other entities to put their bequests into, because people have—and I know this for a fact—been suspicious of donating money into these funds. They want those funds to be spent locally, and administered locally, on items that need to be put into their local hospitals and health care.

The issue here, quite frankly, is that this local fundraising should not have to happen, but for whatever reason there are gaps that have to be filled. I note that in Murray Bridge there was a visiting ear, nose and throat specialist who brought his own equipment to conduct his appointments. When he retired, the health advisory council had to come up with about $30,000-odd to buy some equipment for a visiting specialist. There are all those kinds of concerns that come through.

A big concern was around the percentage of moneys that the Department of Planning, Transport and Infrastructure takes with repair builds and infrastructure builds in regard to Country Health facilities. One of the biggest frustrations—and I talked about it earlier in my contribution—is the simple fact that people feel that they are not part of the process because of the at least seven layers of bureaucracy in Country Health and the fact that they just throw their hands in the air and say, 'Well, what's happening anyway?' I hope that after this that health advisory councils can see what they can and should be able to do in relation to providing health care into the future.

The recommendations around getting a better direct reporting relationship between Country Health and local health networks and health advisory councils include looking at strategic plans appropriately; that the Country Health South Australia Local Health Network revisit the Community and Consumer Engagement Strategy to give health advisory councils greater input through the consultative process; that the Country Health SA Local Health Network recognises health advisory councils' continued input into the 10-year health plans by providing health advisory councils with progress reports on the 10-year health plans; and that, in regard to the annual combined Health Advisory Council Conference, health advisory council presiding members and the Minister for Health meet and discuss relevant matters at that conference.

We have certainly made recommendations, as I have indicated, around how local funds are currently and were previously raised by local communities and how they are held and spent, with particular regard to authorisation and decision-making. One recommendation (recommendation 13) is that the Country Health SA Local Health Network works with health advisory councils to develop a policy and procedure to ensure funds raised by health advisory councils and community organisations or individuals are spent on their intended purpose in order to improve clarity and transparency of processes. Certainly, I have talked about issues around budgeting and how much input HACs can have in regard to that.

In regard to the gift funds, there is a recommendation about lifting the amount that can be got from these gift fund accounts without requiring approval of expenditure from the Country Health SA Local Health Network or the Minister for Health from $25,000 to $75,000. There are certainly recommendations around health advisory councils participating in budget discussions and financial management in line with recruiting staff.

In regard to accident and emergency care, it is recommended that the Country Health SA Local Health Network revisits the findings of the 'Road to rural general practice' report commissioned from the Rural Doctors Workforce Agency and in particular considers implementing the 'Road to rural general practice' model detailed in the report.

There are recommendations in this report about local health advisory councils having more input. I think they should have a lot more input into how we can attract and retain staff, such as the valuable nurses and midwives that we need, and also the attraction of doctors into rural areas across the state. Pinnaroo has not had a resident doctor for a long time—for years—and we need to find a way. There needs to be involvement at a local level, working with Country Health, to make sure that we get the services so vitally needed into the community. Let's hope that this report plays a role in that.

Ms COOK (Fisher) (11:25): I rise to contribute as a member of the Social Development Committee during the inquiry into the delivery of regional health services. Congratulations to the member for Stuart on his strong advocacy on behalf of both his and the broader rural community in bringing this reference to parliament. Congratulations also to the member for Taylor on referring it to the Social Development Committee.

The committee heard many hours of evidence, and undertook journeys to several rural centres, and the many individuals and organisations did a fantastic job representing their communities, so I thank them for that as well. The broad terms of reference were difficult to corral into short hearings and into succinct recommendations. It was an extremely complex inquiry. The member for Torrens and also the member for Hammond brought us a big-picture view of some of those recommendations. I would like to offer support for the recommendation as a whole.

The provision of modern, world-class health care is enormously challenging across the vast distances with special populations such as we have in South Australia. My hope is that, along with Country Health SA, the rural health networks will be able to simplify many processes, and engage and maintain motivated and dynamic volunteers at advisory and service delivery levels (such as with SA Ambulance), and ensure an agile environment that best responds to the local needs of rural communities. There is an enormous amount of goodwill in our rural communities and it was clear to the committee that, given some small changes, this goodwill could definitely translate into a really strong culture within Country Health.

When doing an inquiry like this, it gives committee members a great opportunity to visit regions and see what is happening in terms of health service delivery. I have seen firsthand some excellent and highly skilled clinicians in rural hospital saving lives and working miracles until help has arrived as part of the MedSTAR retrieval service. I would arrive with that team and take the patient back to a tertiary centre for advanced care, but the care that they received before that would be excellent and world-class. I have also seen and heard about enormous challenges rural health centre do face without being able to use the latest equipment and also without being able to staff their hospitals with appropriately skilled clinicians. There are many challenges. Rural hospitals tread a fine line daily.

More than $300 million has been invested in capital investment in rural areas since 2002. That has contributed significantly to better patient outcomes and reduced travel needs in some cases. Four major rural hospitals in Berri, Mount Gambier, Port Lincoln and Whyalla have been redeveloped, as well as other upgrades recently to Mount Barker maternity facilities, Port Pirie GP Plus and the South Coast Primary Health Care Precinct. Mount Barker will also now have access to an on-site 24-hour emergency doctor, which is vital in a growing town.

Chemotherapy services are now available more broadly across country South Australia, with a new Regional Cancer Centre in Whyalla and 14 designated chemotherapy units throughout the regions. It is vital that these patients get their care close to home where their supports are in place. Dialysis units are also at 12 units across the state, and telehealth forms the heart of mental health, cardiology, diabetes and many other specialist access.

We are also investing billions of dollars into our metropolitan hospitals, where at any one time up to a quarter of the patients are from our regions. Of course, it would be ideal for all these patients to receive all their care near their homes, but it is just not practical. With technological advances in interventions, this just will not happen in the acute phase. The specialists do not want to deliver this care in a remote area, away from tertiary care. It is not practical with the cost of the equipment, so we have to strike a balance.

Nevertheless, this same advancement is seeing an increase in the use of telemedicine for consults for rehabilitation. This sees people at home much faster, as they can access their therapist remotely for instruction on how to undertake their rehabilitation post-surgery and post-medical event. A perfect world for all consumers is difficult to achieve, but of course it is worth aspiring to. I am sure that the recommendations from this inquiry will help rural health to move in the right direction. Health is a dynamic world and change is welcome, although sometimes with a deep sigh.

I thoroughly enjoyed my time on the Social Development Committee and that has now come to an end. I have learnt an enormous amount from secretary, Robyn Schutte, in particular. Thank you to the research officer, Mary Bloomfield, who took over from Dr Helen Popple, for the hard work pulling together such a huge piece of work on her first inquiry. Congratulations to my fellow members—the Hon. Gail Gago, a legendary nurse leader; the Hon. Kelly Vincent and the Hon. Jing Lee from the other place; and also the members for Hammond and Torrens from this place—on your diligence and enthusiasm throughout the journey of this inquiry. I commend this inquiry and I look forward to seeing the outcomes of the recommendations.

Mr WHETSTONE (Chaffey) (11:31): I rise to make a contribution on the 40th report of the Social Development Committee. It was great to see the member for Stuart move this motion almost three years ago. I think country members in this place will understand the importance of Country Health. It is important to have the facility, but it is also important to have the professionals there to make sure that the facility is utilised in a proper manner and that those services are upheld because Country Health in most instances is in a faraway place. Not only do the constituents have to travel some considerable distance to get there but they then have to rely on services within those hospitals and medical centres.

The member for Stuart's motion of almost three years ago to establish a select committee to inquire into the future delivery of health services in regional South Australia really says it all. He moved the motion with concerns that Country Health seemed to be fading, services seemed to be disappearing and staff numbers seemed to be dropping away. It became a concern not only to the member for Stuart but to me, obviously having a country electorate, and to the members for

Hammond, Flinders and Mount Gambier, who have made contributions because we understand how important Country Health is.

Originally, the terms of reference referred to the amalgamation of health advisory councils in regional South Australia and the benefits or otherwise of all rural and remote South Australia being classified as one primary health network within the federal system. Obviously, following that, the federal government introduced the Country South Australia Primary Health Network, which covered all country South Australia and the HACs were not under consideration for amalgamation. It is an example of the changing health system over the three or so years it took to hand down this report.

During its hearings, the committee heard from 58 individuals and received 71 written submissions, including submissions from my Riverland and Mallee HACs and doctors because they were all concerned, just like I am. The committee reviewed some encouraging evidence that shows that there are some HACs that are functioning as highly effective advocates and facilitators in their communities and enhancing the Country Health system.

The final report contains 49 recommendations. During evidence, Ms Tanya Lehmann, Acting Regional Director, Riverland Mallee Coorong Region Country Health Services, described her relationship with the HACs in the Riverland Mallee Coorong region as a partnership, but not all HACs have the same requirements or need the same type of support. When asked by the committee about how she saw Country Health SA was supporting and promoting the HACs, Ms Lehmann replied that there was a perpetual challenge around communications and supporting how each HAC functions individually.

Ms Lehmann also told the committee that there are still those in the community who will rally to raise substantial sums of money to support their local hospitals. Ms Lehmann stated that the health advisory councils make an incredible contribution to health services in the region. The Riverland and Mallee health advisory councils contributed almost $1.2 million worth of fundraised equipment and infrastructure minor works to the region in the last financial year.

I thank all those people who either bequeathed money or donated philanthropic money, and I recognise the good work of fundraising from a caring local community that put funds into those hospitals. That fundraising would not happen without the health advisory councils not only as a voice for their communities but also as a voice to mobilise the engagement of our communities, which they have and want to have in their health systems through that fundraising. It really connects up with the hospital and its community.

She went on to say that we have other health advisory councils in areas that are not as wealthy, so the socio-economic profile of towns also comes into play in terms of their fundraising earning potential. For example, in Berri and Murray Bridge where the hospitals are much larger, there is somewhat less engagement within the community to get behind and fundraise than there is in some of those small town hospitals.

In the smaller communities where the perceived risk that the hospital will shut down is higher if they do not save it, the more engaged the HAC and the community tend to be with that hospital. She said, 'My observation in the Riverland and the Coorong regions is that the smaller the community the more engaged the HACs are,' not only in being the mouthpiece but also to engage that fundraising exercise.

Another concern raised by several groups from different regional locations was the issue of gap payments for patients treated in the accident and emergency department at their local public hospitals. According to the Renmark Paringa District Health Advisory Council, all patients are required to pay a gap fee of $40 at the time of treatment if they are treated at the accident and emergency department out of hours. Ms Lehmann said that a hospital needs to know that the general practitioners working in the town have access to the hospital as fits the needs of their patients.

One area that is continually raised with me and my HAC members—and I thank those HAC representatives on all my hospital boards—is that they are there to see that 24/7 emergency services are restored to all the hospitals within a satisfactory distance for those patients to travel.

The committee also heard about transport challenges to get to their appointments. Without the assurance of reliable transport on the day to meet those specialist and doctor appointments,

particularly for the elderly, some patients may not be able to attend appointments. Members of the Loxton and Districts HAC and the Renmark Paringa District HAC advised the committee during verbal evidence that there are other factors that determine the successfulness of the PAT Scheme. These are identified by the HACs as factors, summarised as:

- the usability of the online system for patients to record their transport requirements;
- the usability for GPs and specialists who refer patients through the PAT Scheme; and
- the subsidy system is too complicated.

I will say that the review of the PAT Scheme took a long time to come down. What I have seen is that the online system is very clunky and very hard for people to work, and a lot of people in country areas do not have access to online facilities. Some people are illiterate when it comes to using online services, so I think that we need to really look at the way it can accommodate all people, not just those people who do have access to the digital spectrum. PATS is complex for people with disabilities, severe illness, literacy difficulties and patients with non-English-speaking backgrounds, and patients may not have access to a vehicle, petrol and accommodation at the site they are travelling from.

Overall, a number of issues were raised, and I think rightfully so. Many of those regional patients and regional health facilities need the care and upgrades that keep the hospitals compliant. Over the last 12 months we had issues at Waikerie. The air conditioner in the operating theatre was no longer operating and there were noncompliant doors, costing around $140,000. The Waikerie HAC had to pick up that bill, and I think that shows the lack of consideration.

There was no surgery at the Renmark hospital and services were centralised to Berri, but there was a lack of transport. We understand centralising health services, but you must have public transport. You must have a connection from those communities that lose health facilities and lose their hospital so that they can get to a central location.

We have heard that there is a $150 million backlog of maintenance and noncompliance issues in country hospitals. Again, the Loxton and Districts Health Advisory Council had to use their own money to upgrade bathrooms in the west wing of the Loxton Hospital to ensure they have disability access as well as a new call bell system. However, there is a shining light: the state government did backflip and then put that funding back into the Loxton Hospital.

Overall, I think this review has highlighted a lot of issues. I hear that money was raised for chemotherapy chairs in the Riverland General Hospital during Dry July, which was a great initiative. I would like to express my gratitude to all the front-line services: the doctors, the nurses, the admins, the ambos, emergency services, kitchen staff and gardeners. They all contribute to a great health system in country South Australia.

Time expired.

Mr BELL (Mount Gambier) (11:41): I rise to make comment on the 40th report of the Social Development Committee inquiry into regional health services. I was listening intently to the member for Torrens' contribution. She indicated that only two-thirds of the HACs actually responded and, in fact, many were confused about their role or purpose. That is not surprising considering that John Hill introduced the HACs as a way of fooling the public whilst taking away the health boards and centralising the services back to Adelaide, depowering communities and taking local decision-making away from locals.

In terms of our local HAC and our local hospital in Mount Gambier, there seems to be a revolving door of issues that keep presenting themselves. The latest is a joint review, which identified that the Mount Gambier hospital is short 10 nurses per week, so there is actually a shortfall of 10 nurses per week. This is being covered up. I will use the words of Elizabeth Dabars, who says that Country Health's lack of response is 'gobsmacking'. She claimed that authorities were trying to conceal the problem from the public. She states:

> Overworking our nurses is not a sustainable solution—it's a practice that is not only taking its toll on the health of nursing staff, it presents a ticking time bomb when it comes to patient safety.
>
> Country Health SA is hiding this problem from the public—and that is not fair for patients.

Back in 2015, the then health minister, Mr Snelling, indicated that our renal upgrade was the most pressing issue to face our hospital. It has not got any better because we have seen absolutely no action at all. Currently, 14 patients require dialysis treatment three times a week. It is done in a substandard and cramped room where the infection control, believe it or not, is a yellow line on the ground, and there is a nurse's desk in a corner, no bigger than a standard housing bedroom.

Additionally, there are five more patients on the waiting list to receive treatment, along with 11 patients who are currently in an advanced state of renal failure who may require dialysis at any time. The Mount Gambier hospital unit is the only renal dialysis south of Murray Bridge and is servicing a population of approximately 84,000 people. Recent upgrades to the renal dialysis units at Noarlunga, Gawler and Maitland hospitals have been funded by the state government, and I welcome those upgrades; however, it is time that the Mount Gambier hospital received its upgrade.

I guess what concerns me the most about the actions of Country Health SA is the number of nurses who come to see me to report issues. Every single one of them says the same thing: 'If I am found to be talking to you I've been told I'm going to get the sack.' You wonder what type of state we live in when a public servant such as a nurse is actually frightened for their job security if they reveal issues as they occur. This culminated back in 2016. Mind you, the chair of the HAC went on radio and said that I was scaremongering and that calling for a report into our emergency department had no basis whatsoever.

Country Health SA, and credit to them, actually instigated a departmental review—it was not an independent review—that found a number of issues needed urgent attention, and they came up with 22 recommendations. The first was a shortfall of funds to the tune of half a million dollars a year, $536,000 per year. I give credit to the health minister, who secured that funding which is now flowing into the Mount Gambier hospital's emergency department—this is not the hospital, this is just the emergency department.

In late 2016, there were a number of other recommendations, and I will go through just a couple of them. Unfortunately, many of these still have not been enacted and we are into 2017, coming to 2018 very shortly. The key recommendations were:

- proceed to recruit a new ED director as soon as possible;
- review and restructure the recruitment process for junior RMOs;
- an electronic patient tracking system should be introduced;
- the implementation of a staffing escalation process for the ED during times of increased activity;
- a formal patient flow initiative be implemented at the Mount Gambier and Districts Health Service; and
- the category of admission within the ED to be thoroughly reviewed and justified.

They are just the key recommendations out of 22 from this departmental report. Had the HACs been working as I believe they were designed to work—in fact, as I said at the start, they were probably designed to fool people that they still had a say when everything was actually centralised back—these issues would have been raised and promoted by the HACs.

Going on to the renal dialysis upgrade, which I have spoken about in this place many, many times, it is so urgent that the community is now holding major fundraisers. That culminates, in a couple of weeks' time, in a Bollywood-themed ball and dinner out at The Barn Steakhouse, where organisers are aiming to raise about $100,000 to go towards the $1 million upgrades needed. I commend all the organisers, particularly Maureen Klintberg, who has been a tireless worker within our hospital as well as in the fundraising section of that. Going through, with her, some of the complications and difficulties she has had in having this was quite staggering.

The last part I want to talk about is Transforming Health. It has obviously now been canned; there are now upgrades to metropolitan hospitals which we were told we were not going to need because we had this new shiny hospital, the third most expensive building in the world. Now, out of

political opportunism reasons—in fact, that is what the Premier has actually stated, that this is a political decision—those upgrades are occurring in metropolitan hospitals.

I do not necessarily have an issue with that because I think we should have a world-class health facility, but what I do have an issue with is that country hospitals continue to be neglected with a $150 million maintenance backlog that needs to be addressed as soon as we can. Come March next year, I am really hoping we have a government that looks after country South Australia as much as this current one has looked after metropolitan South Australia.

Mr VAN HOLST PELLEKAAN (Stuart) (11:50): I rise to add my comments on the Social Development Committee's inquiry into regional health services. There is a very long history to this report. I believe it was back in April 2011 when I first asked the government if it would undertake this work, and I was told by then health minister, John Hill, that if he and I, Liberal and Labor parties, could agree upon sensible terms of reference then he would be more than willing to do the work. We had a very good positive conversation. I took him at his word and I still do not doubt what he had to say at the time.

We sat down and together we came up with the terms of reference which we both agreed on. His view at the time was that he had nothing to hide, that Country Health had nothing to hide and that he was more than willing to have an inquiry. My view at the time was that there were a lot of areas that needed to be addressed, a lot of areas where rural people, whether they be healthcare providers or healthcare receivers, had a great deal of concern and that these things needed to be looked into.

Deputy Speaker, you know that I have not been in government so I might be unaware of exactly how difficult it can be, but from that point on the processes of government have meant that we are today finally discussing this report in parliament many years later. I have to say, though, that through that process and a succession of health ministers, we have finally got to the terms of reference being inquired upon and reported upon.

I want to thank my colleagues particularly who have supported me over many years to not let this fall off the state Liberal opposition's agenda. I would also like to thank the hundreds and hundreds of people in regional South Australia who put their time and effort into providing information towards this inquiry over all those years, because when the government first agreed to do this report, I think it was back in late 2011 or it might have been early 2012, people got ready to go and they started putting their submissions together then in anticipation of being able to provide the information they wanted to.

Of course, they did not get to provide that information until last year and this year, but I would like to thank those people as well because good people from within and without the health system have contributed in a very positive way to this report. The desire for this report, the terms of reference, and the interest of people making submissions are not because those people want to bag the health system. It could not be further from the truth. Regional people in South Australia know very well that they want a good health system in country areas. They are very aware of the fact that by international standards they, we, are exceptionally fortunate in South Australia, but we have to fight to stay at that high standard.

We in regional areas also have to fight to keep our high standard relative to the standard in metropolitan Adelaide. We have seen over nearly a decade now that I have been actively involved in this work, and much longer for other people who have been involved longer than me, a transition of focus from the government, with resources moving from the country to the city area.

I remember very well asking former treasurer Kevin Foley about this in parliament when he was, at the time, in my opinion, boasting about the increased funding that was going into health back then in country areas. I said to him, 'It is not even keeping pace with a health cost index,' inflation in health, essentially. 'You are in real terms going backwards in country areas, but in real terms you are not going backwards in city areas,' was essentially what I said to him at the time. He in his usual style said, 'Yep, that's right.' So there was no doubt it was not an accident, no doubt that he was not aware of it or anything like that. It is just what he saw, as treasurer at the time, as the right thing to do. Clearly, that is not the right thing to do.

If we jump forward to our most recent budget, I was highlighting the fact in a public radio interview that unfortunately in the state government's most recent budget there was not one dollar to upgrade a regional road, not one dollar to upgrade a regional school and not one dollar to upgrade a regional hospital. The current Treasurer's comment on that was, 'That's all okay because country people will get to come down and use the new Royal Adelaide Hospital shortly whenever they want to.' It seems unfortunate, at least from the treasurers' perspectives over time, that not much has changed.

It is good that this report has been done. I thank the Chair of the committee, the member for Fisher, who has done this work in a very straightforward and open way and received submissions from those people who were allowed to make submissions. What I am talking about there is the fact that hundreds and hundreds of people, as I said before, came forward with their submission. But I would say that there are 10 to 15 people who work in Country Health SA who have come to me over the last few years and said, 'Would we be allowed to make submissions?' I said, 'From my perspective, absolutely, yes. From the parliament's perspective, absolutely, yes, but please don't get yourself caught out. Please do check with your managers and supervisors within Country Health SA about whether you are allowed to make a submission.'

Picking up on the comments that the member for Mount Gambier made a little while ago, and no doubt others as well, it happens very regularly that people currently working in Country Health SA say, 'I would love to share this information, but I am just not allowed to. I am told in no uncertain terms that I can't, and I fear for my job if I do.' Two people have come to me with essentially that perspective in this current week, and it is a huge shame that that has happened.

They came to me unprovoked. They are not people I went to seeking information, but people who came to me not at hospitals, not in health forums, but in totally different community forums saying, 'I want you know this, but I am not allowed to say it. Dan, can you try to help?' Of course, the conversation goes on to say, 'Yes, of course I will. Yes, of course I will do my very best to do that, but if I can't have some substantiation of the information that you are giving me it makes it very difficult.' That is something that has clearly not changed at all. As I say, even as late as this current week, that is still what is going on.

I briefly turn to the new Royal Adelaide Hospital. We on this side, including country and outback representatives, want there to be an outstandingly good hospital in Adelaide. There is no doubt about that. Let's put aside for today all the previous debate about renovate on site versus brand new, etc. We want there to be outstandingly good hospitals in country South Australia. We know that country people come down to Adelaide for medical care and service all the time, and we appreciate that. We do not expect that cardiac surgery, for example, will happen anywhere else in the state except in Adelaide, and country people accept that. If you need that sort of support you will have to come to Adelaide for it, but that is not true of every single service at the moment.

Country people deserve to have their hospitals supported. Country people deserve to know that, when they need care that could appropriately be delivered in country areas, they can receive that care. It is a great shame on this government that that opportunity has been taken away step by step, steadily and slowly, over the last 16 years of this government. People deserve to know that they can get care near home. In the same way as nobody in Adelaide would expect to be in a hospital 300 kilometres away in Port Augusta, people in other parts of the state deserve to know that they do not always have to come to Adelaide.

Debate adjourned on motion of Mr Snelling.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

Mr GARDNER (Morialta) (12:01): The Education and Children's Services Bill 2017 represents, in the minister's words, 'the most significant reform of education in 40 years'. Not

everyone agrees with that. Can I say that there is quite a substantial history to this bill, which I will touch on for a little while. I will talk about some of the things we support and some of the things we might be moving some amendments to, and there are some things we have some questions about. Given that it is in fact a rewrite of the Education Act and the Children's Services Act, it does traverse some territory, combining both those acts into a new act.

It traverses some wide territory. I imagine that the scope of this bill covers anything to do with education. I expect that members might like to make their own contributions about the way that will be impacted by the scope of this bill. Let me start slightly in the broad because this is about the principles of how we are running our schools and what we are going to achieve for our young people in South Australia in the years ahead. What do we want to achieve? What is the purpose?

Frankly, our education system should be seeking and striving to be nothing less than the best education system in the country. Our schools should be the best in the country and our preschools should be the best in the country, whether they are government, independent, Catholic or anything else. The rising tide will lift all the boats, and we want the best for our children because what could be more important than their achievement and their future?

Our education system should embody excellence, advocate choice, engage parents and teachers and grow opportunities for our next generation.

- Our families deserve access to the best schools and childcare in the nation, to build our children's [capacities and] capabilities and our State's future
- In supporting the education choices that parents, care-givers and families make for their children [we believe that they] are the ones who know them best
- [We believe that] education professionals need to be empowered, engaged and supported to ensure the best outcomes for their students
- [We believe that] young people should be provided with the education and training opportunities they need to gain employment both in new and established industries [in the future]

Those are the words that Steven Marshall, the Leader of the Opposition, used in his '2036' document, a framework document underpinning the principles and reform agendas of a future Liberal government in South Australia if we take government at the next election on 17 March 2018. These are tremendously important.

In March last year, we released the '2036' document, which outlined some of that reform agenda. In the year and a half since and in the six months to go before the election, we will be outlining more of those policies. All of them are relevant to this bill, because of course the bill provides the framework through which government is able to take action in relation to these matters. The focus areas we have identified that a Liberal government would deliver to achieve this vision together are, firstly, to deliver the best schools in Australia by improving education outcomes and teaching standards. The document states:

We want our schools to be the best in Australia. When parents drop their children off for their first day of school they deserve an education guarantee: we will respect your children and ensure they get the best education.

We believe students' educational outcomes should be the prime focus of our school system. There is no second opportunity when it comes to educating our young people—we need a system that encourages excellence from our child's very first day of school.

Sometimes I fear that public policy debate can get hijacked into a false dichotomy in this area—that there is a choice between excellent educational outcomes or the wellbeing of and the looking at the child as a whole.

That is a false dichotomy because, in pursuing excellent educational outcomes, what you actually do is give children the confidence to achieve their best, whether they are somebody who is going to be a high intellectual, high-minded and high achieving, in their chosen field, whether they are somebody who is going to be an excellent tradesperson who is going to have the most outstanding opportunities for their life supported by having a terrific career in the trades and skills that we can support through having an excellent VET system in the school, or whether they are a student with special needs and special abilities who needs their best endeavours to be supported in a different way for them to achieve their best selves and have the best life possible. Or, if it is a

student who is a kind person who is potentially in the middle ranks, achieving their best is still going to help them have a better life.

It is a false dichotomy to say that focusing on educational achievement and excellence is somehow doing anything other than also supporting a child's wellbeing. We believe, and we have seen, through achievement at schools that are the best practice, that by focusing on educational achievement you can absolutely also deliver excellent wellbeing and that by supporting the student's wellbeing you help them to be their best educational selves too. It is not one or the other. It has to be both.

We have seen student wellbeing programs at a number of schools in South Australia that have delivered extraordinary improvements in academic achievement. I was at Mount Barker High School recently with Dan Cregan, the Liberal candidate for Kavel. I spoke to the principal there who, over the last five years, has seen significant improvements in educational outcomes through focusing on student wellbeing as well as that educational aspect.

The point I wish to make here in particular is that if our standards, through testing, through results, are falling, then it is not good enough for the government to say, 'That's because here in South Australia we focus on the whole child. That's because here in South Australia we focus on student wellbeing,' because it is both. Wellbeing and academic achievement go hand in hand. There is always going to be a bell curve in terms of academic achievement, but if you focus on moving the whole bell curve up the scale and on improving student wellbeing for all of those students, those things go hand in hand.

In those states that might have better outcomes, whether it is in the NAPLAN tests or anywhere else, to say that they do not have any focus on student wellbeing I think is also disingenuous. Of course they do. Of course they have interest areas and focus areas in relation to supporting their students' wellbeing, just as we do in South Australia. We have so many great teachers and so many school leaders doing such a great job, but we should always be seeking the best because our children deserve nothing less. The Leader of the Opposition's '2036' document states:

> We believe that through enhanced autonomy and flexibility, empowering principals, better engaging school communities, and improving the status and effectiveness of the teaching profession, the dreams of students receiving the best possible education in South Australia will become a reality.

The document goes on to the second reform agenda, which is in relation to returning decision making to parents, principals, teachers and local school communities. The document goes on:

> We [in the Liberal Party] believe that school communities should have a greater level of control and flexibility to respond to the resourcing and specific educational needs of their students in a targeted way. Every school community is different, with unique challenges, strengths and potential. We believe the school community's teachers, principals and families are best placed to understand the individual needs of their students, rather than bureaucrats.

School autonomy has been a catch phrase regularly thrown around in the public debate for 15 years. Different people mean different things by it. Clearly it has been identified as something that is a popular saying: it obviously polls well. I have not read polling on this sort of thing, but every education minister in state governments in the country talks about it. The Labor Party used not to, but the last few ministers have talked about enhanced autonomy. Things we will have to grapple with in the years ahead are: where are the areas where it is of significant benefit for there to be enhanced autonomy and where are the opportunities that are working as a system, particularly in relation to public schooling, that work best?

To give credit to the government, earlier this year they identified one area where schools having the autonomy to pay their own electricity bills was not providing any obvious benefit to the people of South Australia or the families of those schools, because you had a mechanism by which schools identified how much they would get, based on the size of their school and so forth, but those schools that had benefited from the provision of solar panels, or those schools that by their infrastructure needs and nature had higher electricity costs, potentially had to spend a much bigger part of their global budget on meeting those bills than might the schools that had those benefits.

By ensuring that that was one thing that the system could take over was a very sensible outcome. That was an area where autonomy was not providing value to those schools. In the years

ahead it will be very important that we work with groups—national groups, groups like AITSL and groups like the stakeholder bodies here in South Australia and at a national level—and with our researchers to find the best ways to get the benefits of local decision making and principal and school autonomy to ensure that at the local level they can get value from having that autonomy.

However, I do note that this bill (and I will come back to this in a little while) makes quite profound changes to the current situation in the way that local school governance is managed. This is something that the Liberal Party has some concerns about, and I will be detailing those in a little while. In principle, empowered decision-making is important. I do not believe that the bill improves the situation with regard to empowered decision-making, and I think there are some improvements that the bill will need to have.

The third area the Leader of the Opposition identified in our reform agenda to achieve the best schools in Australia was to build more innovative and flexible school systems. Our children deserve a school system that responds to their needs, celebrating the individual learner and preparing them for a full and enriching life beyond the school gate. We want to create a system that is able to embrace all our students, strengthens their skills and encourages them to take risks and think laterally.

The school curriculum needs to be flexible to the needs of students whilst also giving them the skills they need to gain future employment. We believe that South Australian students deserve a modern curriculum that provides them with the traditional academic skills they need to gain employment, but also gives them the tools they need to grow and contribute to a transitioning economy.

Our school system must also look after our children who may require extra support due to disability or special needs. We believe that it is in the best interests of young people with special needs to provide the support they need to help them reach their full potential. We understand that parents and their children need to be empowered, and they deserve to have choices about which educational opportunities they take up. Options need to be available that meet the needs of the child to give them the best possible opportunities for their future.

I identify in the bill that we are talking about at the moment (and may well be talking about for some time this afternoon) that it has a provision that does not exist in the current act that enables the chief executive of the department to have a child's placement looked at without, necessarily, consultation with the parents, in direct contravention with our policy direction here. However, I do identify that, when this was raised with the principal and the officers, who were very kind with their time and generous with their support at the briefing I had with the minister and senior department officials last week, this was an area, whether it was inadvertent or something that was supposed to be picked up by regulations or through policy, for whatever reason, was not something the government intended to cut out of the bill.

I indicate that the opposition will be preparing amendments on this area. I received a letter from the minister yesterday (which I saw she signed in the chamber), and it came back to me within about half an hour due to a very efficient example of use of technology in her office. It is amazing what they can do these days. The minister confirmed that the government might also potentially be putting an amendment in this space. That is something where I think we can proceed without too much fuss. I will go to the specific clause later when I am going through the clauses.

We believe that schools need the flexibility to respond to the distinct needs of their students within their education pathway from the early years through to graduation. Some students are suited to studying traditional subjects in year 12; some may be more interested in starting a business, learning a trade or gaining the skills to enter a particular vocation. The state Liberals will support schools to respond to the needs and ambitions of their students whilst also encouraging educators to play to their students' strengths in order to build a generation of creative, intelligent, empowered and entrepreneurial young people.

We believe that teachers should be supported, encouraged and strengthened. Very few things are as important to our community as the impact that our teachers have on our students' lives and children's homes, the impact that children's teachers have on the classroom and the impact that school principals have in leading their teachers to educational excellence. These are the things that

really drive our educational system and improve outcomes. Our teachers should be supported, encouraged and strengthened. By rewarding teaching excellence we will continue to lift the standard of teaching across the state. Better teachers mean better schools, which means better learning opportunities in young adults who are better suited to making their dreams a reality.

It is really important that we spend a moment on teachers. I think that the member for Fisher has a motion on the *Notice Paper* tomorrow, but I am not sure if I can even mention it—I am not sure what standing orders say in relation to that—as we have not moved it yet. I can at least reflect that World Teachers' Day is a tremendous opportunity, and I hope that members will reflect on this opportunity to talk about the excellent examples of teaching that we see in our local communities all the time, in our families and schools, and teachers in our families. The impact that those teachers have on those young lives is life changing, profound and absolutely necessary to a well-functioning society.

Australia is one of the best countries in the world. We clearly have some good teachers out there and we have some great teachers out there. We want to make sure that all our children across all our schools have nothing less than the best teachers. Where there is excellent teaching practice, that is to be rewarded and encouraged and made an example of as a shining light for others to follow. Where there are issues, we must address them because our children deserve no less than that as well.

The fourth area in the education chapter of Steven Marshall's reform document, the '2036' document, is that we will achieve our aspirations together by expanding opportunities for students to engage with training, skills and higher education and ready themselves for employment. Some of these areas are in relation to higher education skills, rather than in this bill. But in relation to this bill particularly, this chapter identifies that we will equip our young people with the skills and knowledge they need to successfully transition to training and further education to improve their career pathway options.

We believe that vocational training and skill creation is a crucial building block in the future economic success of our state, and it is critical that that VET sector is interacting with our schools in a positive way and that those students who are going to have a terrific career by pursuing VET opportunities and going on to trades and skills pathways are given every support and encouragement needed to do so. This idea that everybody needs to go to university to have a good job later in life is so far beyond ridiculous. I think, to our society's credit, people understand that, but I fear that there are still some people who think that the opportunity to go to a university to do a degree is something that every student must take to achieve success. No, of course that is not the case; that is ridiculous.

It is so important that the opportunities for VET pathways are supported in our schools because, frankly, there are many jobs in that area where people are going to have very successful and very happy careers and it will be a much better use of their time to do an apprenticeship than go to university. I enjoyed my university education, and I am very grateful for the opportunity I was given to do a Bachelor of Arts at Adelaide University. Maybe that suited my attributes, maybe it did not, but it was certainly something that my parents wanted me to do because they had not had that opportunity.

I understand that aspiration that parents have, but it is so important that we as a society understand that in fact we need the electricians, carpenters and plumbers. Think of the thousands and thousands of jobs that are going to be created in the decades ahead working on shipbuilding here in South Australia. Plenty of those jobs are going to need a good, skilled workforce. We want that workforce to come from our young people here in South Australia.

Finally, in relation to our principles document, we also understand that in order to be competitive on the international stage we need our young people to be finishing school with some language skills other than English. Increasingly, Western countries are refocusing on the importance of growing their bilingual workforce. By supporting our students to take advantage of opportunities to learn a new language, we will upskill our workforce and take advantage of our international trade links.

We have an extraordinary opportunity in South Australia with our multicultural community. Hundreds and thousands of South Australian speak another language because they have come here

from a country that is not an English-speaking country. That is something that should be nurtured. Their children and grandchildren should be encouraged to learn that second language, not just to retain a link to their heritage and their home country but because it is an asset to our community, our state and our nation to have many people with bilingual skills. Many people have a head start if they have parents or grandparents who speak a language other than English.

This is a clear and present problem for the people of South Australia because 15 years ago, when this government came to power, 12 per cent of our students were studying a language other than English at year 12 level, which was then considered SACE stage 2. Now that has dropped to less than 5 per cent—4.9 per cent in fact. It has dropped profoundly in absolute terms, even as we now have a legislative obligation that children stay to year 12. So the number of year 12 students has certainly gone up, which might have impacted the percentage, but in absolute terms, in core number terms, the number has dropped by about half.

Of the 5 per cent of year 12 students who did a language other than English as a year 12 subject last year, about 200 of them—certainly it was a very substantial percentage of around 1,000 students—or 20 per cent of those students were Chinese students who had come to Australia from a Chinese-speaking country after the age of seven, so Chinese was clearly a first language for them and they were doing the subject designed for native Chinese speakers.

That is great. I am pleased. That is a cohort that I identified in my earlier remarks. We want people from non-English-speaking backgrounds to be able to use and leverage that opportunity to have two strong languages. That is good for our state, but it does identify a strong weakness we have in encouraging young people who are from an English-speaking background to pick up that second language. That is a deficiency that many states in Australia have and that many English-speaking countries around the world have.

Just because it is a problem that we share with many places around the world does not mean that it is not a clear problem that we need to pick up on here in South Australia. That is why in August the Liberal Party announced a suite of measures to improve the opportunities for language teachers to learn their trade, to incentivise students to undertake language studies in schools and to make sure that we can really focus on building our capacity as a community, as a state and as a nation to be able to engage positively with the world. And get this: it also improves academic performance more broadly. Learning a language other than English is a terrific driver for mental development generally, and understanding one's own use of English is improved from learning a second language.

Returning to the detail of the bill itself, the bill was identified as being on the cards some time ago. The current member for MacKillop, I believe—I do not recall the year, but it had a one in the front of it—was in parliament and chaired a committee that reviewed the education act under the Olsen government. We have had several premiers since then, but the act has not been reformed since then.

The act was introduced in 1972 and there is some older use of legislative terminology, so that is a reason to reform it. There are references in the current act to positions that no longer exist, and that is a reason to reform it. They are not substantial reasons but, as with all acts, they develop over time; they get added to, like renovating a house or adding an extension. It can be a good house and it can work well, but sometimes we benefit from just building a fresh house and, to stretch the metaphor possibly too far, so it is with this bill: we are knocking down the old Education Act and the old Children's Services Act and building a new education and children's services act.

While modern is newer, that does not always make it better and there are, as I said, aspects of this bill that are not necessarily perfect and will need some more work. What I am going to call the Williams review, which dealt with this issue when Malcolm Buckby was the education minister under the Olsen and then Kerin governments, suggested a number of changes. They even got to the point of producing a draft bill, but it did not come to parliament in time before the 2002 election.

Consequently, the new Rann government after the May 2002 changeover decided not to proceed. I believe Trish White was the education minister at the time and was subsequently replaced by Dr Jane Lomax-Smith. Under Dr Lomax-Smith's tenure as minister there were further reviews. The education department in South Australia has been reviewed as often as anything that I can think of. However, under the Hon. Dr Lomax-Smith's tenure as minister, there were proposals put prior to

the 2010 election that would have given effect to some substantial reforms, at least in relation to issues to do with school attendance and truancy.

It is interesting that those measures were lauded in 2009 with great fanfare. The then minister and the then government got significant headlines and there were very positive radio interviews. In fact, I was on Leon Byner's show not that long ago and we were talking about it. Leon asked, 'Whatever happened to those reviews promised by Jane Lomax-Smith, those improvements to this by Jane Lomax-Smith in 2008 or 2009?' Of course, after the government won the 2010 election, the parliament having been prorogued and the education bill having lapsed, the government never got around to introducing it because I do not think they really believed in it.

However, there was some pressure in the media and there were some concerns. There were some examples of shocking cases of child neglect and abandonment that could have been picked up if the truancy aspect of the child's behaviour had been picked up on. The minister and the government identified that they would rediscover this purpose after 14 years in government, as it was then, and take some action on truancy, and we applaud that. We do not agree with all the measures they have taken, and I will get to that when we get to the detail in the bill, but we applaud that and it has now come into this bill.

There has been a range of other reviews and inquiries that the education department has undergone, even in the seven years that I have been in the parliament. In 2012, KPMG did a review of the health and safety services unit. In 2013, PwC did a governance review, stage 1, for the Department for Education and Child Development. Of course, the issues at the western suburbs school, which I will just refer to for the moment as the Debelle inquiry—although I promise you we will be talking a bit more about the Debelle inquiry in relation to this bill—was a royal commission into an absolutely shocking scandal that involved several ministers and a number of people in the department. I think that really had a profound influence on the way we view governance in schools and, of course, the handling of child protection matters.

We also subsequently had the Allen review of September 2013 into how to consider the recommendations of the KPMG review, the PwC review and the Debelle review and put that into practice. Of course, then there was the Pike review into local school governance, and there were some others as well. We had changes of CEO. We had the Premier evicting CEOs he did not feel were right for the position and doing an international search, and he came up with Mr Bartley, who came over and put education and child protection all in the same department, and that did not work out.

Finally, after another royal commission and after the pleadings of all the stakeholders who were asked—anybody who was asked said that the education department and the child protection department should not be together—the Premier put them aside. Meanwhile, we had further CEOs appointed. The international search that came up with Mr Bartley not having quite worked out, the department then was led by the former senior police officer, Tony Harrison, who has now been moved to the Department for Communities and Social Inclusion.

We are now in the situation where we have another CEO, appointed last year, Mr Rick Persse, who retains that position to the current day. There has been a lot of upheaval in the department. Late last year, nearly a year ago, after having promised law reform in the truancy space for some time, which I referred to earlier, the government finally said, 'Okay, we are going to have a bill that we will put out for public consultation to reform the whole of the act.' That was released and people could have their say on the website, and that is nice.

There were a number of stakeholders who indicated that they would have liked that bill to be directly drawn to their attention. Nevertheless, it was publicly released and a number of stakeholders had their say at that point in time. At that time, to try to gain an understanding of where the government was coming from so that potentially we could work with the government, my office made an approach to the minister's office and sought a briefing or a discussion to talk about it. However, the minister's office indicated that there was a public consultation process and that we could talk about it down the track once they had a bill to put to the parliament.

Through this year, we have been waiting for this bill. The consultation process was completed in the first half of this year and then we were waiting and waiting. Finally, in the last sitting week

before the winter/spring break, the minister tabled this bill and gave her second reading explanation, which members can read for themselves. That is how we have reached this stage. The minister and her office kindly gave me the briefing last week regarding some of the details in the bill that we needed to clarify.

I appreciate that and I appreciate her office for their flexibility when we had a health issue at my end and needed to move that briefing, and we have had this week to look at it. I indicated that we have some amendments that we have given to parliamentary counsel. They will be ready next sitting week. I understand that it is the government's intention that we close the second reading debate this week, if we can, and deal with the committee stage next sitting week so that those amendments can be considered in full, as well as any potential government amendments that may follow. We are happy to work to that timetable.

I want to spend some time this morning on one of those reviews that I talked about—namely, the Debelle report—because it is tremendously important to the status of education in South Australia. I want to quote from one of the stakeholders who has indicated his particular concerns with aspects of the bill. The bill deals with everything in education. I will start by talking about governance because I think this is one of the serious issues where we need to improve the bill. Governing councils and parental engagement in local school communities is so important to achieving the best for our schools. It really lifts our local school communities when governing councils are working well in partnership with the principals with whom they are jointly responsible for management of the school.

The peak body for those governing councils—the umbrella body of which most of the governing councils of public schools in South Australia are members—is the South Australian Association of State School Organisations (SAASSO). I quote from a letter sent to me by their head, David Knuckey:

> To look at this document, it's as if the Debelle Royal Commission never happened.
>
> This Minister claims this is the biggest development in education in 40 years. This document sets parental involvement, community engagement, local control, transparency and accountability back 40 years….
>
> It's disappointing that in a 9-page section on governing councils, on 8 of them the minister details how she may appoint, overrule, suspend, sack, gag, order, fine and limit the power of parents and volunteers. She also now enables DECD to do much the same.

Mr Knuckey goes on to write:

> The purpose of local governing bodies or school boards is to ensure that every school can be tailored to the needs of the local community and the current population of students—rather than be dictated to by a central bureaucracy seeking to impose a one-size-fits-all model for public schools.
>
> A government bureaucracy can have other objectives of a financial or political nature—while local parent communities are only concerned about their children's education. Also, as we have seen too often in South Australia, these bureaucracies can end up with poor cultures.

I will pause there for a moment to reflect on an example of this. I believe in 2011—and I am sure the member for Playford will correct me if I am wrong—the government instituted a budget measure. It was either in 2010 or 2011 that the government instituted a budget measure in which all of the co-located schools were forced to amalgamate. They included junior primary schools and primary schools, and in some cases primary schools and secondary schools, although the government did not proceed with most of the latter category. But the junior primary schools and primary schools, as a budget saving measure, were all forced to amalgamate.

There was quite a process that followed, and the act requires that process be gone through, but at that time the advocates for those schools—powerful advocates arguing strongly that their schools be looked after—were indeed the governing council chairs. While many DECD staff and some principals had the courage to speak out, it has to be remembered that it is difficult for such staff members to speak out publicly because they are employed by the department, by the minister. To criticise the minister or the government publicly on this is a significant step for them to take.

It is very important for the benefit and wellbeing of people associated with a school, who are employed by a school, that governing council chairs are able to speak fearlessly on behalf of the school community. In those cases, the government chose to ignore those calls of those local communities, but the democratic process requires that such advocacy be maintained and supported.

Clearly, Mr Knuckey identifies the importance of those local parent representatives in an advocacy space where the government's stated priorities at that time—I think the minister even admitted at the time that it was a budget savings measure—were those forced amalgamations. They were the government's priorities. Even if the decision does not go the parents' way in the long run, it is so important they have the chance to advocate so that they can get the best opportunity for their school, and some concessions were made. Mr Knuckey went on to write to me:

> Having the local governing body independent from orders of the department makes them independent and their decisions transparent. This act ends this independence.
>
> After the Debelle Royal Commission, ministers, the Premier, the CE of DECD and Justice Debelle condemned DECD in its treatment of the governing council. South Australia was told that the Weatherill Government would change the way it deals with parents.
>
> Justice Debelle concluded that the parents on the council felt bullied and intimidated. This new act will only further this sense of being under the authority and autonomy of DECD.

Mr Knuckey then went on to identify some examples, some of which I will go into in substantially further detail. The principle that the opposition takes as a starting point is that, where this new bill changes the current act to remove powers from governing councils or their members and give powers to the minister that the minister does not have at the moment to direct governing councils and their members, we are very sceptical.

We are very likely to be moving amendments and seeking support in the other house if the government does not accept those amendments. It will give the minister the opportunity through the committee stage to explain why each of those new powers is being sought for the government. Frankly, as to some of these positions, it is hard to see why the government thinks it needs these powers to direct governing councils.

For example, the old act has a provision that the chair of the governing council should be a parent. It excludes categories of people to the point that a parent on the governing council must be the chair. The new bill has no such provision. I inform the house now that we are going to be moving an amendment to ensure that, as is the situation at the moment, a parent is able to be confident that they are going to be the chair of the governing council; in fact, that they must be the chair of the governing council. The current act has a provision that, in effect, means there is a parent majority on governing councils. The new bill creates so many exemptions to that as to, in effect, render that meaningless. We are going to be very sceptical of those exemptions and require that there be a parental majority.

There is, under this bill, a new set of powers for the minister. In clause 48, a new set of powers allows the minister to give broad directions to governing councils. In the briefing, we had a bit of a discussion about this. It was suggested that there might be disciplinary situations where this might be useful, but the framing of this section is very broad in the minister taking it on themselves to decide that action needs to be taken and directions need to be given to a governing council. We are certainly not satisfied at the moment that there are compelling reasons that these new powers should be included. We will give the minister an opportunity to explain that and give clear reasons why clause 48 is necessary, but as I say, we remain sceptical, and there are other reasons here.

I want to spend a moment dealing a little bit further with the Debelle report. It was, of course, a very challenging time, and the role of the governing council was one of the important matters Justice Debelle dealt with. One of the significant differences between this bill and the current act is the way disputes might be managed. Rather, it is not necessarily just between the current act and this bill, but what we would like to see in this bill are disputes within the governing council or indeed disputes between the minister and the governing council. Justice Debelle, at recommendation 22 of his report, said:

> It is recommended that the Department establish a process of mediation for the resolution of disputes between the Department and the governing council of a school…

And the government says that they have completed that. The government's response says:

> The Minister for Education and Child Development wrote to governing council chairs on 6 December and 23 December 2013 to outline the independent review of school and preschool governance in SA and to provide instructions associated with the specific recommendations of the Independent Education inquiry.

That is saying that some interim measures were put in place after the Debelle review and it was letting them know that the Pike review was underway and they could make submissions to the Pike review. The government's response goes on:

> The public consultation on the Independent Review of government school and preschool governance commenced on 20 May 2014.

That is the Pike review. The response continues:

> Submissions to the Issues Paper closed on 1 August 2014. The Hon Bronwyn Pike's Review Report was provided to the Minister…in December 2014. DECD has given in-principle support to the recommendations which are being implemented during 2015.
>
> A dedicated Policy Adviser (Governance) has been appointed and commenced work on 11 May 2015. The Policy Adviser has responsibility to deal quickly with all inquiries, concerns and requests relating to the operation of school governing councils.

Debelle was in a situation where the act as it was said that the school constitutions or governing council constitutions had to have a dispute resolution mechanism. That was what they had, and then there were these issues in the Debelle report, which I will go on to after lunch, I suspect. Then Debelle recommended that we need a new process of mediation to resolve disputes between the department and the governing council of a school.

The minister and the government say that they have completed that, but what did they complete? They have the Policy Adviser (Governance) within DECD, who has been working there since 11 May 2015, who can be called. To put that very simply, the government's solution to a new dispute mechanism needed between schools, governing councils and the department is to have someone in the department whom schools can contact to see what the boss of that person in the department might do better. It is not an independent dispute resolution mechanism. It is certainly not what Debelle envisaged.

I will tell you another thing—we will get to it—it is not what Bronwyn Pike envisaged either. The Pike review talks about the need for mediation to be used, not having a departmental officer as the go-to person to resolve these disputes. An independent mediator suggested by Pike, a new review mechanism suggested by Debelle—we have none of those things. We have a staff member in the department whom school governing councils are supposed to go to to resolve their disputes with the government. It is not the way forward.

What does this bill do? It actually removes even the identification of any dispute mechanism at all. There is nothing in the bill about dispute mechanisms, as far as we can tell. If I am mistaken, or if there is in fact some draft regulation where the government is going to be identifying this excellent new dispute resolution mechanism, then great, the minister can say so in her second reading response, but it certainly does not appear at the moment.

Recommendation 23 of the Debelle report is probably even more problematic. Justice Debelle said it is recommended that provision be made to establish a fund from which governing councils can draw funding to enable a governing council to obtain independent legal advice when that governing council is in dispute with the department, and that the decision as to whether it is necessary or appropriate for a governing council to obtain such funding be made by the person who holds the office of the Crown Solicitor.

Debelle is very clear: you need to have a fund, a legal fund, so that when governing councils are in dispute and they need legal advice they can draw from that fund to be administered by the Crown Solicitor, because he is independent from the education department, and governing councils can draw from that fund to get advice. This would have been particularly important in the issue of Debelle. We will go into it but, fundamentally the governing council, if they had had legal advice independently, could have provided that legal advice to the department, who probably would have acted quite differently, because the legal advice that they had received was subsequently found somewhat wanting.

The government says that they have done this. It says 'completed by DECD' right here on this government's document identifying the government's response to the Debelle inquiry. It says that they have completed this. We went through this in estimates a bit, and it became clear that they have not. The government, in saying how it has been completed—I am not going to read the thing

again; it is the same set of words that they used in relation to the previous recommendation—talks about writing to school council chairs. It talks about the Pike review and then it states:

A dedicated Policy Adviser (Governance) has been appointed and commenced work on 11 May 2015. The Policy Advisor has responsibility to deal quickly with all inquiries…

And so forth. This same policy adviser who is supposed to be the one to resolve disputes between governing councils and the government is also the one who is going to identify whether or not schools get the money from the education department to pay for their independent legal advice.

It is not an independent system, and the opposition will be seeking to introduce this Debelle mechanism as suggested by commissioner Debelle. We hope the government will rethink this, because they accepted the recommendation. They say they have completed the recommendation. What we would like now—and this bill is a perfect opportunity to do it—is for them to actually do just what they have said: complete the recommendation. School governing councils, to have the local autonomy and the authority that they need to deal with these situations, deserve this fund suggested by Debelle.

Here is the thing: we have 500 government education sites in South Australia, and most governing councils, most schools, will never have a situation like this arise in their existence, in their history or in their future. We hope that that is the case. We hope it would be unnecessary to draw from this fund, but we know that there are examples where it would have been drawn from, the example of the Debelle inquiry, to start with.

As legislators, we have a responsibility not just to legislate for the convenience of the government or for the neatest way of getting the smallest piece of legislation available. We have to think about what would happen in the scenario where things do not go the way that they should. We have to contemplate, if a situation such as arose in the Debelle inquiry, for which we have significant evidence, arose again, what would be the best way to deal with it. I have not heard anyone from the government argue that Commissioner Debelle's recommendations were poor or ill thought out.

Everyone in the government was falling over themselves for two years to agree to them all and to say, 'Yes, we made mistakes, but now we have taken on board everything that has been suggested. We know better now. We have learnt.' That is what they were saying. They were not saying that he was wrong; they were saying, 'We have done what he said,' but they have not. This is where we can fix it. We can fix it in this very bill, and I hope that we do. It is worth traversing some of the issues that led to the Debelle inquiry. I will quote a little bit from the inquiry, starting at paragraph 637, which relates to the role of a governing council:

637. The events at the [Largs Bay Primary School] draws attention to the role of governing councils in schools operated under the aegis of the Department and, more particularly, to the extent of the powers and functions of governing councils. At least four members of the Governing Council of the metropolitan school held the view that the school should send a letter to parents who had children in the OSHC service, if not also to all parents with children at the school informing them of the conviction of [Mr Harvey: he is convicted; he is in gaol]. Questions were being asked as to the extent of the powers of the Governing Council to send a letter. The principal of the school, acting on the direction of the Department, did not agree to send such a letter. It is relevant to ask what the position would have been had a majority of the members of the Governing Council resolved that a letter should be sent to all parents of the school informing them of the conviction of [Mr Harvey] and the principal, acting on the advice or direction of the Department, had disagreed with that resolution.

638. A number of separate questions have to be considered. They are:

1. Does a governing council have power to send a letter to parents to inform them that a member of the staff of the school has committed a sexual offence?

2. What mechanism is available to resolve a dispute between a governing council and the principal of the school?

3. By what means can a governing council obtain independent legal advice?

These questions then lead to the question what is the true extent of the powers and functions of governing councils in schools operated by the Department and to the further question as to what in truth is the position of the governing council. Is it a body that in fact governs the school or is its role more akin to that of an advisory body? Questions concerning the extent of the powers and functions of governing councils are not confined to [Largs Bay Primary School]. Evidence at this Inquiry demonstrated that governing councils at other schools have from time to time sought legal advice as to the extent of their role and responsibilities.

The Powers of a Governing Council

639. Governing councils are school councils established pursuant to section 88 of the Education Act.

That is the existing Education Act. It continues:

Although the Act distinguishes between governing councils and school councils, it does not spell out if there is in reality any difference between them. It is clear that in order to become a governing council, a school council must have particular provisions in its constitution. Beyond that, there is no apparent difference.

That is a matter that I think is satisfactorily resolved in the new bill. Indeed, through the Debelle inquiry and more particularly in the Pike report that followed, there is an issue to do with clarity that is at stake. Most of the suggestions in the Pike report make significant reference to the need for improved clarity of powers. I will come back to Debelle and address more of his issues in a moment, but I will now discuss the Pike report.

Former Labor Victorian education minister Bronwyn Pike was appointed to undertake this review for the government. I was wondering, as I reread her review, given this was going into the nature of governance and governing councils, did former minister Pike suggest that governing councils needed their legislation changed or that there was a deficiency in the old education act that needed to be improved? That was what was at stake. Remarkably enough, on pages 8 and 9, there is a direct answer to that question. Former minister Pike says:

Part 8 of the Education Act establishes a legislative scheme supporting the creation, operation and control governing councils. The legislation is flexible and adequate to support strong local governance and does not need amendment.

This is the review on which the government was going forward with its contemplation of changes as to how governing councils operate. The review says, 'The legislation is flexible and adequate to support strong local governance and does not need amendment.' It goes on to say that again in other ways. The report continues:

The legislation makes it clear that both principals and governing councils have an active decision-making role. The current governing council model constitution complies with the legislation and specifies four key areas – strategic planning, determining policies, the application of financial resources, and presenting operational plans and reports to the Minister and school community. However the legislation also contemplates that a constitution can be modelled and tailored to meet the exact requirements of a particular school.

The functions of governing councils are outlined in the Education Act and model constitution however respondents consistently asked for greater clarification of these roles and a clearer explanation of the powers and responsibilities of councils and the principal.

And it goes on in all the recommendations that greater clarity is needed and not by changing the act. It is very clear that the powers and the responsibilities in the act are fine. What they wanted was more opportunities for training and more resources given to governing council members to better understand their positions, perhaps resources such as Commissioner Debelle recommended and the government said they accepted, having a legal fund, for example. That resource is an opportunity.

Support provided to governing councils is what was requested. What the government responded with is this bill, which removes powers from parents and gives powers to the minister. It removes autonomy from parents and gives the opportunity to the minister to direct parents and local school councils what to do, to remove parents from the governing council, if necessary, and to exempt a school from the requirement that they have a parental majority on the governing council.

This whole question of whether a parent should be the chair of the governing council is barmy. Since I noticed this, I have spoken to stakeholder groups and principal representatives. I have also spoken at governing council meetings and I have asked the question of parents, teachers and principals: is there some issue with parents being the chair automatically of governing councils? Is there some better solution that is being talked about in schools or the education department that I have not heard of?

Everyone was very clear in their response: they said, no, the chair of a governing council should be a parent. This is the opportunity that parents have to contribute to the direction and governance of the school. While the partnership between principals, school leaders, staff and parents is critical—and it is critical that that culture is done very well—that partnership already has one power centre.

There is case law—Australian Education Union v Chief Executive, from 2007, I think—that established that, as a chief executive can direct a principal to do something, the principal effectively has a veto in legal terms in decisions of governing council, but at the same time the principal is managing the school's governance jointly with the governing council, which is the parent community's opportunity to apply their point of view. In schools that are operating well with governing councils that are operating well, everyone sees it as a partnership, as working together.

In my time on governing councils I have only very rarely seen votes take place where there has been dispute, dissent or acrimony. Occasionally, when we are talking about materials and service charges somebody might have a philosophical objection and it will be calmly talked about, understood and respected and a vote might be taken.

I remember when the Campbelltown Primary School and the Charles Campbell Secondary School combined to become Charles Campbell College votes were taken as to who would comprise the membership of that governing council. There were more governing councils from the previous two schools than were allowed on the new governing council, so, of course, there were some winners and losers there, but it was done in a positive way. Almost entirely for the most part, governing councils work in a positive, collaborative manner as a real partnership, and that is what we should be striving for.

The bill changes that power balance, which is already weighted towards the department having power over the parent body. It takes more powers away from parents by giving the minister the opportunity to direct them and to remove them, more so than they do at the moment. Of course, there needs to be some mechanism there and there is in the current act. In our view, the powers that the minister has at the moment are sufficient to deal with a problem that a governing council may have.

The clear direction provided by the peak body for governing councils in South Australia is that the direction this bill takes ignores the lessons of the Debelle inquiry and sets school governance back. The parents of South Australia deserve better than that. I think that by working together over the next couple of weeks, we will be able to improve this. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Members, House of Assembly—Register of Members' Interests—Registrar's Statement
Annual Report June 2017 [Ordered to be published]

By the Minister for Forests (Hon. L.W.K. Bignell)—

Forestry (Forest Reserve and Native Forest Reserve—Northern Forest District) Variation Proclamation 2017—
Explanatory Statement
Variation Proclamation

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

National Environment Protection Council—Annual Report 2015-16

ANSWERS TO QUESTIONS

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

Ministerial Statement

MURRAY-DARLING BASIN PLAN

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: South Australians are deeply passionate about the water resources in this state. We have experienced extreme drought threats to our food production and drinking water and, ultimately, our livelihoods. South Australians are deeply concerned about the progress and implementation of the Murray-Darling Basin Plan, and we must ensure that it is delivered on time and in full.

The state government has been advocating for an independent judicial inquiry into the allegations of water theft and corruption in New South Wales. On 11 September 2017, Mr Ken Matthews released his interim report into allegations of water theft and corruption. The report is a damning assessment of New South Wales' water management and enforcement activities. Even the New South Wales water minister, Niall Blair, conceded the report was 'confronting and significant'. One of those confronting issues identified by Mr Matthews' report is his concession that water theft and noncompliance may still be occurring, and he calls for further investigations.

Mr Matthews conceded his investigation was hampered by missing documents and his inability to interview key individuals who are alleged to be involved in water theft. Four days after its release, Gavin Hanlon, the Deputy Director General, Water, at the department of industry and the state's most senior water bureaucrat, resigned, suggesting there may be further evidence of wrongdoing yet to come to light.

Then, today, The Guardian Australia published a report claiming the Murray-Darling Basin Authority knew about allegations of substantial water theft as early as July 2016 but took no serious action until the *Four Corners* program aired in July 2017. The Guardian report claims the MDBA had satellite data showing evidence of illegal water take that was then substantiated by an investigation but never published in the public report published in April of this year. A spokesperson from the MDBA said:

> We have been operating on the basis that compliance matters were being managed appropriately by relevant state and territory authorities—and that information and concerns about compliance we refer to those authorities is actioned appropriately.

That comment sums up the issue at hand. We currently have five investigations into these allegations in various jurisdictions and agencies, all pointing the finger at one another. We need to stop passing the buck and relying on piecemeal allegations and investigations with limited scope to provide us with the answers that people in the highest levels of government and politics have been actively trying to cover up. Mr Matthews, who is leading one of those investigations, admits himself that he simply does not have the powers he needs to conduct a full investigation into these allegations and instead is left with more questions than answers.

A royal commission with powers to compel these key witnesses and key individuals who are alleged to have stolen water out of the basin is now the only credible way in which we can investigate the depth and breadth of these allegations and review the way in which we are managing one of our nation's most precious resources. I have written to the Prime Minister today calling for the establishment of a royal commission to be placed on the COAG agenda.

POWER OUTAGES

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: Tomorrow will mark one year since South Australia was struck by an unprecedented weather event, where seven tornadoes destroyed the spine of our

transmission network, sending the state's electricity network cascading to system black. At about 3.48pm on 28 September last year three major 275 kV lines and 22 transmission towers in five separate locations were crushed by the strength of the wind, leaving households and businesses across the state without power. Some were not reconnected for several days.

The nation's weather bureau described the event as 'multiple supercell thunderstorms which produce damaging to destructive winds, very large hailstones, locally intense rainfall, and at least seven tornadoes with wind speeds rated as between 190 and 260 km/h'. The cause of the system black has been investigated by numerous federal agencies, including the Australian Energy Market Operator, it has been debated in parliament, it has been the subject of many misguided conspiracies and, of course, it also led to the Prime Minister of this country ridiculing our state.

The federal government, overseen by Prime Minister Malcolm Turnbull, made a deliberate choice to ridicule our state in an attempt to damage our reputation during a time when the people of South Australia were dealing with disaster and personal difficulty. As this state has gone from being the butt of jokes, from the Prime Minister to the national leader in energy policy, tomorrow is also a day that Malcolm Turnbull should apologise to the people of South Australia. He should apologise for choosing to criticise our state rather than showing real leadership and offering help.

Mr PISONI: Point of order: copies are not distributed to members of parliament.

The SPEAKER: Yes, it is a very fair point of order by the member for Unley. I was wondering that myself, whether there were copies.

The Hon. A. KOUTSANTONIS: There are copies on their way, sir.

The SPEAKER: That is not really satisfactory.

The Hon. A. KOUTSANTONIS: Would you like me to start again later, sir?

Members interjecting:

The SPEAKER: I'm sorry, member for Unley?

Mr PISONI: I withdraw leave until the copies arrive.

The SPEAKER: Withdrawing leave for a ministerial statement is bold, but—

The Hon. J.W. Weatherill interjecting:

The SPEAKER: I couldn't possibly comment on the wisdom of the Premier's interjection.

The Hon. J.M. Rankine interjecting:

The SPEAKER: Was that the minister for Wright interjecting? I call to order the member for Wright. Minister for Agriculture, Food and Fisheries.

The Hon. A. KOUTSANTONIS: I seek leave to make a ministerial statement.

The SPEAKER: You seek leave to perhaps continue a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: Tomorrow will mark one year since South Australia was struck by an unprecedented weather event, where seven tornadoes—

The SPEAKER: Treasurer, I don't really think it is necessary to go back to the beginning.

The Hon. A. KOUTSANTONIS: As this state has gone from being the butt of jokes from the Prime Minister to the national leader in energy policy, tomorrow is also the day that Malcolm Turnbull should apologise to the people of South Australia. He should apologise for choosing to criticise our state, rather than showing real leadership and offering help. He should apologise for misleading the people of this nation in an effort to damage one state's reputation, and he should apologise for his government's continued lack of leadership in the energy market, which has led to unsustainably high prices and an increasingly uncertain and scarce electricity supply.

While the cause of this incident on 28 September was a severe weather event, it was the first in a series of events that confirmed the national energy market was broken and no longer serving

the interests of South Australians. Since that time, and in the absence of national leadership, the state government has been methodically and prudently implementing our own comprehensive energy plan, released in March this year. Every single aspect of this plan has been implemented or is progressing on time and on budget, including:

- the construction of a 100-megawatt grid-connected battery by Tesla and Neoen at Jamestown is well advanced, with installation of the battery underway;
- the construction of the state-owned power plant is well underway, with foundations for the turbines and transformers at Lonsdale and Elizabeth nearly complete. The aeroderivative gas turbines arrived at Port Adelaide on schedule and have now been transferred to the sites and will be ready to provide emergency power to the state, if needed, by 1 December;
- the parliament passed legislation to ensure the Minister for Energy was given additional powers to direct the market operator or generators in the event of a supply shortfall to avoid load shedding to South Australians;
- in a deal, which is believed to be the first of its kind, a solar thermal plant will be built at Port Augusta following the tender for the government's own energy supply. This new generator will also increase competition in the state's energy market;
- given the commonwealth government's ongoing refusal to implement a clean energy target, the state also plans to introduce an energy security target in January 2020 when there will be increased competition in the market;
- we have also pre-empted nationwide gas shortages, by investing to accelerate gas exploration here in South Australia to increase supply into our local energy market, while also rejecting calls from those opposite to ban gas exploration in the South-East; and
- finally, we have made $150 million available in a renewable technology fund, which will provide millions in both grants and loans to eligible and innovative companies with cutting-edge renewable energy and storage technologies.

In addition to the energy plan, the South Australian government has also:

- committed $31 million to help large South Australian businesses manage their electricity costs through the Energy Productivity Program;
- committed $500,000 towards ElectraNet's assessment of a new high capacity interconnector between South Australia and the Eastern States;
- changed the National Electricity Law to enable better monitoring of electricity wholesale markets, to ensure a competitive environment; and
- submitted rule change proposals in July last year to enhance system security and provide flexibility to the Australian Energy Market Operator to manage security as the generation mix changes.

Federal policy uncertainty has crippled investment in the market, leading to supply issues. AEMO's reports since our interventions in the energy market show that our actions have helped secure our energy network and address supply issues caused from a lack of new generation. But there is more to be done. This government supported not only the initiation of the Independent Review into the Future Security of the National Electricity Market by Chief Scientist, Dr Alan Finkel, but also all of his 50 recommendations.

Again, we call on the federal government to act on the 50th and final recommendation to introduce a clean energy target, which will provide investors the certainty they need to build new generation and drive down power costs for consumers. We are committed to taking charge of our energy future to ensure that we deliver reliable, affordable and clean energy for all South Australians into the future. By contrast, there are some whose only plan is to hand over our energy future to the commonwealth government, a government that demonstrated through its actions one year ago its willingness to abandon South Australia in its hour of need.

Members interjecting:

The SPEAKER: Clearly, if a minister uses a ministerial statement for trenchant expressions of opinion as well as information, he should expect a fair degree of interjection to go unpunished.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:15): I bring up the 51st report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:16): My question is to the Premier. Given that the Commissioner for Public Sector Employment's recruitment guideline specifies that chief executives are responsible for recruitment and selection systems and processes, who is investigating whether Dr Don Russell met these requirements in relation to the appointment of 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) (14:16): I think we canvassed this fairly extensively yesterday. I think we even had a ministerial statement yesterday, if I recall. The position is that Dr Russell became aware of issues in early September. He acted promptly in relation to those matters. Inasmuch as the matters were matters within his control, he has made a determination pursuant to the provisions of the public sector legislation to the effect that the individual concerned is no longer a public sector employee.

Further matters relating to that individual, of course, rest elsewhere. For that reason, I have not been expressing views about the particulars of those matters. So far as I am aware, there is no suggestion whatsoever that Dr Russell personally, in any way, has been derelict in his duties. It would appear to me, on the face of the material I have seen, that he has acted properly and has taken important steps, as set out yesterday in the ministerial statement.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:17): Supplementary: the Attorney-General's response indicates that there is nothing on the face of it in respect of Mr Russell's involvement in the dismissal, as he has outlined, but I am asking about the appointment. Is anyone assessing whether he has complied with those guidelines for the purposes of the appointment, not the dismissal?

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) (14:18): Again, if I can refer back to my ministerial statement that I made to the house yesterday—one for which I actually received a plaudit in the paper today—I thought I made it clear that Dr Russell had undertaken certain steps, which he had promulgated not just within the Department of the Premier and Cabinet but across government, and that those steps were now, so far as he was concerned, obligations incumbent upon all employees of the state, wherever they may reside.

Members interjecting:

The SPEAKER: I call to order the members for Schubert, Davenport and Hartley.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament pupils from North Adelaide Primary School, who are guests of the member for Adelaide, and students from Eynesbury College. Welcome to parliament.

Question Time

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:19): My question again is to the Premier. Has the Chief Information Security Officer done an audit to identify if there was any breach during the employment of Veronica 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) (14:19): Thank you very much for that question. I will check with Dr Russell to ascertain exactly what, if anything, he has to tell me about that matter. I have not been advised that there were any breaches, but, in order to be absolutely certain and to be able to answer that question with some authority, I will check with Dr Russell.

Mr Pengilly interjecting:

The SPEAKER: I call to order the member for Finniss whose seating arrangements have changed with the consequence that I can now hear him all the time.

Ms CHAPMAN: He can hear you now, Mr Speaker.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:20): I have a further question to the Premier. Why did the government terminate the employment of the ICT contractor who assisted in the selection process of Ms Veronica Theriault on 22 September, and is any action to be taken against the other two members of the selection panel?

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) (14:20): Again, I will check with Dr Russell as to what I can convey to the parliament about that matter. The reason that I am a little cautious about this is the reason I explained yesterday, which is that I am mindful of the fact that certain particulars are going to be alleged in a matter in the criminal courts and I don't wish to be canvassing those here.

That said, I am, again, very happy, subject to those constraints, to speak with Dr Russell and ascertain what he can offer by way of further information above and beyond what was given in the ministerial statement yesterday on this topic, which, I understand, advised the parliament that there was a non-renewal of a standing arrangement; that is, that there was an individual who had a contract with the state, that contract came to an end and it was not renewed. If there is anymore to it than that, I will ascertain that from Dr Russell and let the parliament know.

Mr Tarzia interjecting:

The SPEAKER: I warn the member for Hartley.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:21): I have a supplementary, if I may, sir, to the Premier and/or the Deputy Premier. In making that inquiry, will the Deputy Premier confirm also whether, in fact, the contractor who has been dismissed or terminated or whose contract expired was the same contractor involved in the negotiation of the government's $400 million contract with DXC for computer services?

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) (14:22): Yes, I will make inquiries in relation to that matter.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:22): A further question to the Premier that was asked yesterday: can the Premier or Deputy Premier confirm whether Ms Theriault had access to any cabinet documents?

The SPEAKER: The question was asked yesterday.

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) (14:22): Yes, and I suspect I will attempt to answer it in the same way as answered yesterday. I can't say this too many times it seems, but we are presently dealing with a matter that is before the criminal courts—

Ms Chapman interjecting:

The Hon. J.R. RAU: It may indeed have something to do with it because the particulars of the allegations are relevant, and it is conceivable that the issue about which this question has been asked might be a relevant particular in that matter, but I will seek advice and if it is possible for me to give any further information about that matter without compromising those proceedings, I will do so.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:23): Supplementary: will the Deputy Premier also confirm in that inquiry as to whether there has been any breach in respect of access to cabinet material and, in fact, whether that has been conveyed or republished in any way?

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) (14:23): Subject to what I have said on several occasions already today, yes.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:24): I have a further question to the Premier or the Deputy Premier. Given the Commissioner for Public Sector Employment's recruitment guideline also requires consideration of criminal history and background screening, reference checks in respect of previous work performance and the investigation of personal associations that could present a risk for the agency, can the Premier explain why Veronica Theriault and her brother were given interviews in the first 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) (14:24): I don't know how many different ways I can say the same thing. This question directs itself, obviously, to the very point of what undoubtedly will be matters of contention in a matter in the criminal courts. For that reason, in order to make sure that there is no suggestion there has been any interference with a fair trial in that matter, I do not propose to answer that or other questions which go directly to that matter.

I can say to the deputy leader and to any other members who might be concerned about this matter that they can have confidence that, in the context of those proceedings, everything that is alleged about this individual will be put before the court. The individual concerned will have an opportunity to test that material through their legal adviser, or personally if they choose to represent

themselves, and they will be able to call evidence, if they choose to do so, to present a different account of events if that is what they wish to do. All of this will be revealed through an independent judicial process. I think all of us should allow that to occur in such a way that that process is not contaminated by commentary from North Terrace.

PUBLIC SECTOR RECRUITMENT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:26): A further question to the Premier or Deputy Premier: in respect of the two other members of the selection panel referred to earlier, have they at least been stood down pending this judicial inquiry?

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) (14:26): If that question is directed to the question of what is presently the status of people who were on the original selection panel, I will attempt to obtain from Dr Russell some advice that I can provide. I am sure, in obtaining that advice, I will be in a position to find out what, if anything, conceivably could have been faulted in their particular conduct in that respect.

PUBLIC TRUSTEE

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27): A further question, this time to the Deputy Premier as Attorney-General: following the revelation in the ICAC report tabled yesterday that the Public Trustee has twice, in the last three years, unsuccessfully sought funding to remedy deficiencies in electronic systems, why has the government refused to provide the funding that the commissioner says is necessary to 'improve the efficiency of the business and to reduce the risk of corruption and maladministration'?

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) (14:27): I thank the deputy leader for that question. Like the deputy leader, I was yesterday, for the first time, able to look, albeit briefly, at the report from the Independent Commissioner Against Corruption in respect of the Public Trustee. I have to say that I have not as yet had an opportunity to thoroughly consider the report, but I am intending to do so.

Inasmuch as the report contains references to the resources available to the Public Trustee, I obviously will consider those matters and take them on board. If there are matters which go to resourcing and which appear to be important, I of course will be taking those up with my cabinet colleagues, and in particular with this splendid gentleman here, the Treasurer, who ultimately—

Mr Whetstone: Can't count.

The Hon. J.R. RAU: —is the fellow who has the very difficult job of deciding how the government's scarce resources are allocated to the many important functions the government has. That would be my view. I will read it—I will read it with interest. Can I say that I think the Public Trustee is a very important state institution. It is an institution that has existed for a very long time. It has an important public function to serve. It is important that the community has confidence in the Public Trustee. Many people of limited circumstances rely upon the Public Trustee to deal with their testamentary affairs. Indeed, there are many people who suffer from disabilities who have their lives administered, managed and assisted through the services of the Public Trustee, and all of those things are very important.

So I regard the Public Trustee as being an important part of the state's service to its citizens; I know other members of the cabinet have the same view. But we will have to consider any application or suggestion about increasing funds in the context of the budget process and whatever is available in that environment.

The SPEAKER: I call to order the member for Chaffey for interjecting during that answer. The member for Elder.

FIRST WORLD WAR SOUTH AUSTRALIAN SOLDIERS IN FRANCE

Ms DIGANCE (Elder) (14:30): My question is to the Premier. Premier, how are South Australian soldiers from World War I currently being recognised in northern France?

The Hon. J.W. WEATHERILL (Cheltenham—Premier, Minister for the Arts) (14:30): I thank the honourable member for her question. On my recent mission to London and Europe, I visited the Western Front to acknowledge the service of South Australians who fought and died during active service in France. It was an unforgettable time. For those who have never been there, it is a very moving experience to see the endless rows of white tombstones stretching for a very long distance in front of you. It is chilling to see how flat the ground is, and no doubt that accounted for some of the slaughter that occurred in those awful fields.

In fact, 100 years ago today, there was fierce fighting in Belgium with many Australians and many South Australians represented in those forces. The recognition the French provide Australia and Australian soldiers 100 years after the event is very real and very touching. At the Fromelles Museum and VC Corner cemetery, I recognised the enormous amount of work which has gone into identifying the Australian soldiers who were buried in mass graves, unidentified.

In Dernancourt, and at the Adelaide school, I witnessed the strong connection between our communities. The people of Dernancourt have never forgotten the efforts of our soldiers. A total of 450 South Australians were killed defending Dernancourt village, and I pay tribute to those who served and to those in France who remember. In Villers-Bretonneux, I visited the Australian National Memorial before going to the nearby Adelaide Cemetery to participate in a rededication ceremony for one of our own.

Corporal Edward Inglis, from Jamestown, has been buried on this hillside since he was killed in action in 1918. His grave was, until just a few weeks ago, known as the 'Unknown Corporal from the 48th Battalion'. I had the privilege and honour of unveiling a new headstone for Corporal Inglis, nearly a century after his death. His sacrifice will continue to be remembered by the people of France and South Australia.

Further, in the tiny township of Blangy-Tronville, I attended a community gathering to mark the renaming of their local school. Arthur Clifford Stribling was a soldier from Tarlee in South Australia's Mid North. He died on the Western Front on 25 April 1918. The local community of Blangy-Tronville are honouring this sacrifice, renaming their school after Private Stribling. We, in South Australia, are incredibly touched by this remarkable gesture, and I have personally thanked this community for honouring the memory of this brave young soldier.

To acknowledge this, we are planting a eucalyptus tree at the school. The tree will grow tall and strong and serve as a powerful symbol of the fraternity that exists between South Australia and this small French community. The school will be officially renamed the Arthur Clifford Stribling School next April and, wonderfully, in the company of locals and students from Tarlee who will be travelling there with the assistance of a state government grant.

The Mayor of Blangy-Tronville wanted me to pass on a message from his town. He said that if I meet descendants of the South Australian soldiers buried in this town when I get back home to please tell them that their forefathers are forever in their hearts. It is a message I am honoured to deliver. I wish the town and the Tarlee locals who travel there all the very best for next year's event for what will be a moving commemoration of ANZAC Day in 2018.

EXPORT PARTNERSHIP PROGRAM

The Hon. A. PICCOLO (Light) (14:34): My question is to the Minister for Investment and Trade. How many businesses received funding under round 9 of the Export Partnership Program?

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) (14:34): I thank the member for Light for his important question—very important indeed for small business—because our future depends on transforming the state economy through science and technology-based industry development and change. It further depends upon international engagement and taking our goods and services to the world.

For that reason, the Export Partnership Program provides funding assistance for small and medium-sized businesses to access new global markets through marketing and export development opportunities. Local businesses and organisations can apply for up to $50,000, which they match, for eligible export projects and activities. Grants may be used to support South Australian businesses to attend key international trade events as well as coaching, training, market intelligence and mentoring in the preparation of materials and to plan for international opportunities to build their export capability to grow jobs and investment.

Fifteen South Australian businesses received grants totalling $313,000 in round 9 of the Export Partnership Program. These businesses came from a variety of industries, including food and wine, engineering and media. Successful businesses were also based in a wide range of regions, including the Barossa Valley, the South-East, the Clare Valley, the Adelaide Hills, Adelaide itself and the northern suburbs.

South Australia is exporting more than ever, with total exports reaching a new high of $15.643 billion in the 12 months to June 2017. The state's international engagement strategies provide the framework to assist companies to drive trade outcomes. Those strategies are supported by representatives, many of them embedded with Austrade overseas, and our own strategic advisers. I congratulate the following 15 round 9 grant recipients and wish them well in their export endeavours: 1847 Wines Chateau Yaldara, Lyndoch, over $18,000; Bethany Wines, Tanunda, $21,000; Chateau Tanunda, Tanunda, $37,500; Koonara Wines Pty Ltd, Penola, $7,800—

The SPEAKER: Point of order.

Mr TARZIA: This information is readily available on the internet, so the minister is just quoting what is already in a public forum.

The SPEAKER: Could the member for Hartley bring that to me?

Mr TARZIA: Immediately, sir.

The SPEAKER: Meanwhile, the minister may continue.

The Hon. M.L.J. HAMILTON-SMITH: —Learning Potential International Pty Ltd, Flagstaff Hill, $11,200; Light's View Group, Virginia, $17,200; Massena, Angaston, $19,800; Newsmaker, Highgate, $32,700; Ochre Nation Pty Ltd, Applewood Distillery, Gumeracha, $35,000; Pangkarra Foods, Clare—

The SPEAKER: Alas, minister, it does violate the customs of the house, in that the list is already posted on the net. The member for Morialta.

TAFE SA

Mr GARDNER (Morialta) (14:37): My question is to the Minister for Higher Education and Skills. Did the minister make inquiries with TAFE SA yesterday after she informed the house that she was not aware of TAFE receiving notice from the national Skills Quality Authority that 16 courses are at risk of being decertified?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:37): Yes, of course I did; I said I would and I did. In fact, the matter is now public. It's available on Adelaidenow if anyone wants to click on the internet. As I had said to Leon Byner, actually, a week ago or maybe two weeks ago, and I mentioned again yesterday, I am aware that there had been an audit. As I mentioned yesterday, I was aware that ASQA had done some work. I had not been informed that the report had reached the chief executive, but indeed it did reach the chief executive sometime Monday afternoon.

TAFE has been given some time to respond, somewhere around late October, and is working through that at present. I, of course, am deeply concerned about any suggestion that may lose the confidence of the public of South Australia in the training quality—

Members interjecting:

The Hon. S.E. CLOSE: —and therefore I will be paying very close attention now that the report has arrived not only to understanding what the report says but also to ensuring that I

understand the way in which TAFE will respond. I expect to be in a position to make a public announcement about that in due course, at the appropriate time.

The SPEAKER: The deputy leader and the member for Unley are called to order, and the member for Schubert is warned. The member for Morialta.

TAFE SA

Mr GARDNER (Morialta) (14:38): A supplementary: the minister has just said that she is going to make a public statement in due course, at some time. Why hasn't she come into the house and given a ministerial statement when she found out the information she has just provided?

Mr Knoll: Just hoping we didn't ask questions.

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

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:39): Not in the least. I am delighted by your questions. The matter is now a matter of public record. Although occasionally ministerial statements are used to repeat information that is already on the public record, it's not always necessary in the sense that as long as the public is aware that's what this institution is for.

This is moving reasonably quickly, so the advice was provided to the chief executive on Monday afternoon. I have been given a very preliminary briefing on the content of it. I have provided a comment to the media. What is really important is that we focus on the comments by ASQA itself, the authority that has undertaken this audit, that it is not unusual for an organisation the size of TAFE SA to have some noncompliance questions and that they are waiting for TAFE to respond in the allotted time.

Without wanting to create any sense of panic, what we need to do is pay serious attention to it and make sure that TAFE is responding in an appropriate way. I will be undertaking that. At a time when there is a need for a public statement, I will be making that statement.

TAFE SA

Mr GARDNER (Morialta) (14:40): Supplementary: can the minister advise the house how many students are undertaking the automotive meat processing, commercial cookery, health, hairdressing, visual merchandising, building, plumbing and electrotechnology courses that have been called into question?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:40): The level of briefing, as I mentioned, has been very preliminary and did not include the number of students undertaking those courses.

Mr Knoll interjecting:

The SPEAKER: Does the member for Schubert want to be the first member ejected under sessional orders since the TV system was introduced?

Mr GARDNER: I fear you are buttressing the audience again, and that is against standing orders.

Mr Knoll: Existentially, there is nothing about the audience in the standing orders.

Mr GARDNER: The Speaker has ruled otherwise. Sir, I have a supplementary.

The SPEAKER: The member for Morialta.

TAFE SA

Mr GARDNER (Morialta) (14:41): Can the minister confirm if we are talking about 80 students, as in the CASA case, or hundreds or thousands of students?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:41): I can't confirm because, as I say, I have not had the number of students associated with each of the courses under question provided to me as yet.

ROAD SAFETY

Ms COOK (Fisher) (14:41): My question is to the Minister for Road Safety. Can the minister update the house regarding road safety operations this long weekend?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (14:41): I thank the member for Fisher for her question and acknowledge her interest in road safety, particularly given her background as a retrieval nurse at Flinders Medical Centre. I know she would have seen some horrible things happen on our roads in her time before serving in the house, so I know that she is very committed to improving our road safety.

There are three things happening consecutively and coincidentally this weekend, the October long weekend with the beginning of school holidays, which always presents a risk on our roads, a risk to the public, and we need to make sure that we have a fatality-free long weekend. Unfortunately, that has not happened in South Australia on the October long weekend since 2008. The last October long weekend here, we had two fatalities and 10 serious injuries. That is something we do not want to see happen.

Of course, with every long weekend the roads to holiday spots, whether it be Yorke Peninsula, the south coast or elsewhere across our great state, become busy with people getting out of the city and making holiday plans. But of course we have a couple of other things happening this long weekend as well. I am sure it has come to the attention of you, Mr Speaker, that the Adelaide Crows have made the grand final. I know there are a number of members particularly excited about that. I think even the Premier has got on board.

This, of course, means that we are going to have a significant number of people making the journey from Adelaide or from around South Australia to Melbourne for the grand final next weekend. We are expecting up to 30,000 people to make their way, through various means, to Melbourne. A significant number of them are going to do so via our road network and the Dukes Highway in particular. We know that there will be a significant increase in traffic on that road.

It means that all of us who are using that road will need to take extra care, particularly around taking breaks, as well as watching speed, inattention and using seatbelts and not undertaking dangerous driving. We want to make sure that everybody gets there safely. In addition, there is going to be a significant number of people, hopefully, celebrating a great Crows' premiership this weekend.

Whether they are in Adelaide or across regional South Australia, we know that there is going to be a significant number of people going to grand final parties and, hopefully, enjoying what will be a fantastic and exciting day for our state. We need to make sure that the people who are doing that plan for their trip to and, most importantly, from those parties in pubs and clubs where they will be celebrating, hopefully, that victory. We do not want to see any drink driving or any drug driving on our roads this long weekend.

Because of all of these factors, police today have launched a new Operation Safe Long Weekend. It's going to be running from Friday through to the end of Monday. We are going to see significant increased police presence on our major roads both across regional South Australia and also in our metropolitan area. There is going to be significant increased police presence, there will be visible presence, and we want to take preventative action to make sure that we don't have fatalities on our roads, we don't have serious injuries, and this can be a great long weekend when everyone can celebrate what will be a fantastic, hopefully, Crows premiership without any danger on our roads.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:45): My question is to the Attorney-General. How many ministers and former ministers have applied for state-funded representation in their dealing with ICAC in relation to the Oakden inquiry?

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) (14:45): The situation is that it's not really appropriate for me to be straying

into territory where I might be identifying people who would be giving evidence before that inquiry. I will take that on advice. I will find out what, if anything, I can say in respect of that, and I will get back to the member.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:46): Supplementary: minister, can you let us know how many funding requests have been granted by you and your office?

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) (14:46): I can talk a little bit more about that particular part of the question because I think it's important for people to be cognisant of the process. The process in relation to an application for assistance is something which is governed according to certain circulars which have been distributed within government. These circulars are of long standing, and these circulars are there to provide for impartial determination of circumstances in which public servants or other people with connections to government are to be supported in their participation in legal affairs by the state.

Frequently, this emerges in a case, for example before the Coroner's Court, where it might be that there are multiple witnesses from the state and there are perhaps conflicting issues between some of the witnesses and it is deemed that there might be an impossibility of the Crown representing all of the witnesses and they apply for and receive separate representation. It is important to understand, though, that the gatekeeper in respect of those matters is of course the Crown Solicitor, who both assesses the merit of the application, as against the criteria established in the circular, and also makes determinations about what the reasonable costs might be in those circumstances.

Ms Chapman interjecting:

The Hon. A. Koutsantonis: Sir, that's not appropriate, is it?

The SPEAKER: The deputy leader I warn.

The Hon. J.R. RAU: I was quite wounded by what Mr McGuire had to say, but I'm going to press on. The circumstances are therefore that the circular is the thing against which the assessment is made. The assessing authority is in fact the Crown Solicitor—it's not me, it's not the Premier, it's not anybody in the cabinet. I think to the extent that the honourable member's question misapprehended the process, hopefully I have been able to enlighten him and make him feel more comfortable about that aspect of the matter.

OAKDEN MENTAL HEALTH FACILITY

Mr DULUK (Davenport) (14:49): My question is to the member for Taylor. Have you been questioned by ICAC in relation to the Oakden inquiry?

The SPEAKER: I warn the member for Davenport because he must know—he must have known when he rose to ask the question—that it was out of order.

Mr DULUK: Point of order, sir: yesterday you ruled that the member for Wright could ask the member for Mount Gambier a question in a similar vein. Today, you have ruled the same question out of order.

The SPEAKER: Yes, I did, for the compelling reason that yesterday's questions were about—

Mr Whetstone interjecting:

The SPEAKER: To whom is the member for Chaffey referring?

The Hon. A. Koutsantonis: To me, sir.

The SPEAKER: That's alright then. The questions from the member for Wright to the member for Mount Gambier yesterday—there were two of them—were just in order because the member for Mount Gambier is responsible to the house for his pecuniary interests register. The member for Taylor is not responsible to the house for—

Mr DULUK: She is responsible for her conduct as a minister, and ICAC is interested in that.

The SPEAKER: It is not a circumstance where a private member, a backbencher, is responsible to the house when that person has ceased to be a minister. The question should, perhaps, be addressed to the current minister or to the Premier. In any case, we know what the ICAC law of this state is: if the member did it outside the house he would be committing an offence. The only thing that covers him for what he has just done is parliamentary privilege, but he is out of order and I rule the question out. Does the member have another question?

Mr DULUK: No, sir.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51): My question is to the Treasurer. Has Brenton Pike, the Registrar-General of the Lands Titles Office, been appointed in any capacity within the private consortium Land Services SA? If so, what position does he hold?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:51): I don't have that information to hand but I will get it for the member as soon as I can.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): A further question to the Treasurer: in obtaining that information, could the Treasurer inquire as to whether any appointment, as CEO or any other position to be held in that private consortium, has been assessed as to whether any conflict of interest arises, given his continued employment as the Registrar-General of the Lands Titles Office?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:52): Of course.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): A question to the Attorney-General: in regard to the Lands Titles Office, has the Attorney-General or any other member of the government given approval for Mr Pike, pursuant to his contract of employment, to undertake alternative duties?

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) (14:52): I thank the deputy leader for her question. As Attorney-General, I do not believe I am the person to whom Mr Pike reports; in fact, although I see him from time to time when there is an issue arising from his duties, if I'm not mistaken his reporting line goes to the secretary of the Attorney-General's Department or the chief executive of the Attorney-General's Department.

So I am not sure that in the ordinary course of events, were there to be any such thing, it would have come in front of any minister. I certainly don't recall having seen such a thing. However, out of an abundance of caution I will make inquiries of the Attorney-General's Department to see whether they are aware of any such matter being raised with them.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): Thank you, Attorney. I have a supplementary to the Attorney-General. In making that inquiry will the Attorney-General inquire as to whether there is any approved remuneration for any other position held by Mr Pike in Land Services SA or in any other entity?

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) (14:54): I am happy to take that on notice and make the appropriate inquiries.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): Further, in making that inquiry will the Attorney-General identify whether, in fact, Mr Pike has signed any documents on behalf of the private consortium, Land Services SA, in respect of the sale of land services?

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) (14:54): To the extent that that information might be within the knowledge of anybody to whom I am able to speak, I will make that request.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:54): A question to the Treasurer: is settlement still to occur in respect of the sale or commercialising of land services on 13 October this year and, if not, what settlement date is there?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:55): On my understanding that is the settlement date, but I will check and get back to the house if there has been any variation.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): Supplementary to the Treasurer: is the government to receive the whole $1.605 billion at settlement?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:55): Thank you for mentioning the number again. It was a very successful transaction, and it will all be revealed in the Mid-Year Budget Review.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:55): Will the Treasurer advise the house: in respect of the $1.605 billion, how much of that money is currently in the forward estimates, which I accept may well change in the Mid-Year Budget Review? But my question is, how much is in the forward estimates as at today?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:55): Yes, I will inform the house at the Mid-Year Budget Review.

NATIONAL DISABILITY INSURANCE SCHEME EXPOS

Ms WORTLEY (Torrens) (14:56): My question is to the Minister for Disabilities. Can the minister update the house on the NDIS expos being held around South Australia?

The Hon. K.A. HILDYARD (Reynell—Minister for Disabilities, Minister Assisting the Minister for Recreation and Sport) (14:56): I thank the member for this very important question, and for her support for people living with disabilities, their families and carers and her support for the NDIS. The National Disability Insurance Scheme is the most significant social reform since the Hawke Labor government introduced Medicare. When the NDIS is fully rolled out, it will improve the lives of around more than 32,000 South Australians living with disabilities, and their families and carers—a reform that we can all be immensely proud of.

Reform of this magnitude requires extensive and coordinated communication and engagement with our community to ensure its successful implementation, and that is why the government has held and will continue to hold free NDIS expos across South Australia in every corner of our community. The expos aim to help South Australians with disability, and their families, to transition to the NDIS system by directly connecting them with service providers and with government agencies. With an estimated 6,000 full-time equivalent jobs to be created through the

rollout of the NDIS, these expos also provide information for people interested in working in the disability sector.

Since May, there have been 14 expos held across our state, starting in Gawler and continuing in Mawson Lakes, Modbury, Murray Bridge, Berri, Mount Gambier, Naracoorte, Golden Grove, Kangaroo Island, Noarlunga, Morphettville, Victor Harbor, Port Pirie and Clare. About 2,000 people have attended the expos, as well as more than 600 stallholders. At the largest expo so far, more than 500 people gathered at the Golden Grove Recreation and Arts Centre in July. The feedback from the expos has been excellent, with many people saying how beneficial they have been in helping them make important decisions. Providers have told us that the expos have been very worthwhile. It has given them an opportunity to meet and to talk with people requiring services and support.

Further to the expos, the South Australian NDIS information campaign has reached 700,000 people through social media. I would encourage people living with disability, and people wanting to work in the disability sector, to visit the accompanying website at www.mysupportmychoice.sa.gov.au. Alternatively, they can, of course, attend one of the upcoming expos. Locations for these upcoming expos include Kadina, Port Augusta, Coober Pedy, Ceduna, Port Lincoln, Whyalla, western Adelaide, eastern Adelaide and the Adelaide Hills.

I would like to take the opportunity to thank everyone who has made these expos such a success already, and I very much look forward to receiving more feedback about the upcoming events.

The SPEAKER: The Treasurer asked me on what basis or authority I abbreviated the Minister for Investment and Trade's answer. No, it is not from standing orders, as he rightly observed: it is from page 362 of Erskine May, which reads, halfway down the page—

The Hon. A. Koutsantonis: This is the greatest moment of your life.

The SPEAKER: Yes.

…questions requiring information set forth in accessible documents such as statutes, treaties, etc., have not been allowed when the member concerned could obtain the information of his own accord without difficulty.

There was nothing in the question that indicated the minister would default to giving a list of grants. However, upon his doing that, a published list of grants, I believed it violated either the letter or the spirit of that rule. It is a question of saving time in question time.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:00): To the Treasurer: now that the contract to commercialise Land Services has been signed, will the government table that contract for sale and/or publish a copy for public viewing?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:01): I will have to check the confidentiality arrangements in place with the contract. The New South Wales government recently commercialised its lands titles services office, and I understand that they did not reveal the commercial negotiations. I understand that the proponents who are the successful recipients of the commercialisation process here in South Australia may also be bidders in other processes around Australia, so they may not wish these contracts to be made public. However, all aspects of the contract that affect South Australians, especially the way they use and interact with the Lands Titles Office, have been made public already.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:01): Supplementary: why is it that the government is prepared to make public the Elon Musk battery contract, subject to some redaction, I accept, but not make available a $1.6 billion contract for the sale of Land Services?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:02): That's not what I said. What I said was that all aspects of the contract that impact on South Australians and the way

that they interact with the Lands Titles Office have been made public, that is, in terms of the way indefeasibility of title is managed, the way—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned for the second and the very last time.

The Hon. A. KOUTSANTONIS: All the aspects in terms of the cost structure will be public. All the generals who relate to the Lands Titles Office will remain independent and statutory officers constructed in this parliament. Indeed, even the Treasury indexation for the fee structure of the Lands Titles Office has been made public. Every aspect of every way South Australians deal with and touch the Lands Titles Office has been made public, much like the Tesla agreement. Every part that can be made public will be made public.

All I am simply saying is that the consortium that have bought our Lands Titles Office for 40 years may also be interested in purchasing other Australian states' commercialisation arms of their lands titles units, and they may, quite rightly, have said that they want some of their financing and some of the agreements under the contract kept private, or their competitors may get line of sight into the way they bid while they are bidding for other lands titles.

But any aspect that interacts with South Australians or the public has been made public—of course, we insisted on that. What the Deputy Leader of the Opposition is attempting to do is to find a quarrel within the house that somehow we are keeping things secret: we are not. We are making every aspect of the commercialisation of the Lands Titles Office that impacts on South Australians public.

LAND SERVICES SA

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:04): Supplementary: just to be absolutely clear, Treasurer, what documents have been made public in respect of the features of this contract other than your statements in this parliament and material that your department has published, authored by them, that is not parts of the contract? On my assessment, there is not one single clause of this contract that is available publicly.

The SPEAKER: Of course, that question is expressed in an entirely out of order way, but we will let it go.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:04): Yes, sir, I have just been accused of misleading the parliament.

Ms Chapman: No, I'm asking a simple question: what are the documents?

The Hon. A. KOUTSANTONIS: You are asking a question with a veiled accusation in the middle of it, saying how can we possibly trust what we said. The truth is that the Department of Treasury and Finance, the Attorney-General's Department and DPTI, which oversee the Lands Titles Office, are public servants of the highest integrity, and the idea that somehow we are releasing false information to the public about the interaction with the Lands Titles Office commercialisation and them is just false. The Deputy Leader of the Opposition has offered no evidence at all. She is just throwing out accusations under privilege hoping to land a mark. I have to say that that sort of conspiracy theory has no place in this parliament.

Ms Chapman: Show us the document.

The Hon. A. KOUTSANTONIS: There we are—again, you are guilty until proven innocent. Well, if that's the standard that the deputy leader wants, apply it to the member for Mount Gambier.

Members interjecting:

Mr GARDNER: Point of order, sir.

The SPEAKER: Point of order. The week started so well with the live television coverage and now we are back to where we were.

Mr GARDNER: The Treasurer is in breach of standing order 98.

The SPEAKER: He is.

The Hon. A. KOUTSANTONIS: Every aspect of the contract that impacts South Australians has been made public. I know that the Speaker doesn't want me to respond to interjections, but—

The SPEAKER: The standing orders don't want you to respond to interjections.

The Hon. A. KOUTSANTONIS: I won't be, sir, but thank you very much for the impartial advice you are offering me. Again, every aspect of the commercialisation that we have come to an agreement on with the consortium that impacts South Australians has been made public, but there are some aspects of it that remain confidential as they should. For example, many aspects of the privatisation of ETSA still remain confidential to this very day and they remain confidential because members opposite, when they privatised these assets for 200 years, decided to give the proponents who bought these assets a level of confidentiality that lasts the length of the contract.

Mr van Holst Pellekaan interjecting:

The Hon. A. KOUTSANTONIS: The shadow treasurer. The member opposite asks, 'Which members of the opposition?' The shadow treasurer, the man that the opposition proposed to make Treasurer of South Australia, that man.

Mr GARDNER: We have strayed again from the matter at hand: 98.

The SPEAKER: I uphold the point of order.

Mr van Holst Pellekaan interjecting:

The SPEAKER: That's quite okay.

POLICE OMBUDSMAN ANNUAL REPORT

Mr KNOLL (Schubert) (15:07): My question is to the Minister for Police. What actions has the minister taken against the accusations that were raised in the Police Ombudsman's 2016-17 annual report?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:07): As the member stated, the Police Ombudsman's report was tabled yesterday. It is the last report by the Police Ombudsman because that position has obviously been abolished with the changes that were made by the Attorney's legislation in regard to police complaints. In the future, this process will be managed by the ICAC Commissioner and that, I think, is going to be an improvement on the process.

In regard to the specifics of the report, I have read the report. It did make some recommendations to government about how—

Mr Duluk interjecting:

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

The Hon. C.J. PICTON: It did make recommendations about how the police complaints process could be further improved in the future, and I look forward to investigating that further and talking to the Attorney and the police commissioner.

POLICE DISCIPLINARY TRIBUNAL

Mr KNOLL (Schubert) (15:08): Minister, will ICAC or the OPI be given access to Police Disciplinary Tribunal hearings?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:09): I am sure, as the member is aware, that the OPI and the ICAC Commissioner have been given extensive new powers in regard to police complaints following the passage of legislation in previous months; in fact, it might have even been last year. In regard to the disciplinary conduct tribunal and whether the OPI has access to that, I am happy to take that on notice and further investigate it.

POLICE DISCIPLINARY TRIBUNAL

Mr KNOLL (Schubert) (15:09): A further supplementary: minister, will you be taking any action to look at remedies in relation to the accusations that the Police Ombudsman makes in relation to not being given access to Police Disciplinary Tribunal hearings?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:09): I think as I have outlined in the previous two questions, I look forward to further investigating the comments that were made in the Acting Police Ombudsman's report to the parliament. Having only received it yesterday, I have read it but I have not had the opportunity to further discuss it with the Attorney-General, the Attorney-General's Department or the police commissioner, and I look forward to doing so.

POLICE OMBUDSMAN ANNUAL REPORT

Mr KNOLL (Schubert) (15:10): Is the minister suggesting that he only got access to the report yesterday?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:10): Yes, it was tabled in the parliament yesterday, and that is when I read the report.

The Hon. P. Caica interjecting:

The SPEAKER: The member for Colton is called to order. Member for Schubert.

POLICE STAFFING

Mr KNOLL (Schubert) (15:10): My question is to the Minister for Police. Will the minister confirm that all 30 FTEs that were saved as part of the last round of police station closures and opening hour reductions have returned to front-line duties in their local area?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:10): I am happy to take the detail of that question on notice, but I would have to say that on this side of the parliament we support actually having more police out on the front line, protecting our community, rather than sitting behind desks doing paperwork.

This has been a significant amount of work that has been undertaken by the police commissioner over the past several years, and it has been about driving the fact that, as we are adding more and more police to our police force, we want them undertaking active work in our community, whether that is out on patrol, responding to incidents or working as part of neighbourhood policing teams. That is where we want as many people as possible, doing that work.

It is pretty cheap, I think, for the opposition to say that they will come in and suddenly reopen all of these shopfront police stations, which clearly had very few people going to them. It meant that a police officer had to be sitting there all day, and very few people would come in. That police officer could have been doing a lot more constructive work out in the community, helping the people of South Australia, providing a visible presence on our roads to try to prevent crime from happening in the first place.

That is the crux of what the reforms have been about. I am happy to get the detail of the question but, in terms of what the reforms are, this is something that I am very supportive about—getting our police on the road and active in our community.

POLICE STAFFING

Mr KNOLL (Schubert) (15:12): Supplementary: minister, in light of your answer, will you confirm then that all the FTEs that were saved as part of these closures and reductions will not, as you say, be sitting behind a desk doing paperwork?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:12): I refer to my previous answer, where I said that I will take the specifics of that on notice and come back to the house in regard to that. I would state that this is—

Mr Wingard: Hang on, if they're not behind desks, where are they?

The Hon. C.J. PICTON: We are seeing more and more police operating in our state. We are hiring and training 313 extra police officers to work in our state. I was just at Fort Largs Police Academy earlier today, where we had another 16 police graduating. I would like to congratulate them on behalf of the government, those new cadets who will be going into our police force, scattered across the state and providing a valuable service on our front line, protecting our state.

Mr Duluk: Where? What time? Not after 9 o'clock at Holden Hill, they won't be.

The Hon. C.J. PICTON: We know that crime has dropped over the past 10 years. This is something where this government has invested significant resources in our police, significant resources in fighting crime, significant—

Members interjecting:

The Hon. C.J. PICTON: We have also added significant powers to our police as well—

The SPEAKER: Point of order.

Mr GARDNER: Standing order 98: the minister is not being germane to the 30 police officers in question.

The SPEAKER: No, I think the minister is being germane and is managing to do it against a wall of noise from members on my left, in particular the member for Davenport, who is on two warnings.

The Hon. J.M. Rankine: You're soft on crime; we have seen the results.

The SPEAKER: The member for Wright is warned. Minister for Police.

The Hon. C.J. PICTON: Thank you, Mr Speaker. This is a government that believes in more police on our front line. We are recruiting 313 extra police so that, by the middle of next year, we will have them in service and operating across our state, providing important roles. We are also giving them the tools that they need to provide community service to our state, whether it is body-worn cameras or whether it is tablet technology.

We are very happy on this side of the house to invest in our police, to back our police. When it comes to making the difficult reforms that the police commissioner has been doing to ensure that we have a modern police force, a police force that is responsive to the needs of our community, we are very happy to work with him. We have seen some people suggesting that they would want to become the minister and issue orders to the police about operational activities they want to see, whether it is drug sniffer dogs checking lunchboxes in public schools—

Mr KNOLL: Point of order, Mr Speaker: I now believe that standing order 98 will come into play.

The SPEAKER: I uphold the point of order.

POLICE STAFFING

Mr TRELOAR (Flinders) (15:15): A supplementary to the Minister for Police: can the minister update or inform the house on the operational status of the police stations at Wudinna, Minnipa, Poochera and Wirrulla?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:15): I am happy to take the detail in terms of those specific questions on notice and I am also happy to talk to the member for Flinders who I know cares about his community.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. C.J. PICTON: He is a very decent bloke. I have always worked well with the member for Flinders, so I look forward to discussing this further with him on the particular needs of policing in those communities. I know that the reforms that have happened so far that the police commissioner has rolled out have regard to metropolitan areas, and I know he will be turning his mind over time to regional areas and how we can improve our policing across the regions of South Australia, which is obviously very important.

POLICE STAFFING

Mr KNOLL (Schubert) (15:16): A supplementary: minister, have any more staff been allocated to the remaining 24-hour police stations to deal with the increased workload that has been put upon them with the closure of these other police stations?

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (15:16): I think that is slightly connected to the question that was asked before that I have already taken on notice, but I'm happy to further add to that answer in regard to the 24-hour specific police stations, in particular. We know that a number of them are busy in terms of the work they do and the service they provide to the community, and I am sure that with the extra resources this government is investing in our police that the police commissioner has the tools that he needs to ensure that they are appropriately resourced.

Grievance Debate

MORIALTA CONSERVATION PARK

Mr GARDNER (Morialta) (15:17): Today, I would like to inform the house about a petition that is circulating in relation to a very important issue for the community that I have the honour of serving, the Morialta district. In particular, it relates to the government's provision of a new nature play space at the picnic area at the Morialta Conservation Park.

Members of the house would be aware that $900,000 was allocated by the Department of Environment, Water and Natural Resources to introduce this significant nature play space at Morialta Conservation Park. Unfortunately, what they did not do was put any thought into what the impact of that would be on traffic, parking and road safety in the area, and some other issues have arisen as a result of it. Perhaps I will start by reading the petition so that people will understand the purpose for hundreds of my local residents wishing to have their voices heard by members in this chamber:

> The new Morialta Nature Play Space precinct is a resource that allows families from both the local area and around Adelaide to interact with nature in a beautiful setting. However, its installation without adequate planning has created significant parking problems both for users of the park and for local residents. There are also considerable safety issues for children, in particular, who are confronted with the challenging congested traffic situations as they walk to the play space, sometimes across a number of roads due to the lack of parking. Your petitioners, therefore, request that the government implement improvements to on-site parking as a matter of urgency, ensuring that families have a safe destination and that the negative impact on local residents is minimised.

The idea of a nature play space has been around for some time. I think since as long ago as six or seven years, the department has had plans and ideas brought forward for this. I recall in 2014, after the last election, the current minister, the Hon. Ian Hunter, was having round tables with a number of parks groups, and I attended one of them and talked about the need for resources in areas like Black Hill, Morialta, Anstey Hill and some of the other parks in the eastern and north-eastern suburbs I was familiar with, being in or near my electorate.

One of the suggestions put forward was that there be this nature play space. It proved reasonably popular and it has been implemented. This is an area that is immediately adjacent to the Morialta Conservation Park; it is part of the same park. This is an extremely popular park for people to go walking and to appreciate the extraordinary beauty that is so close to Adelaide. Last year, we celebrated its centenary as a public space since it was donated by the original owner.

The Morialta Conservation Park is very popular. Anyone who goes there on the weekend, especially in spring or summer, will know that the car park is always full by about 9 o'clock in the morning, even before this nature play space. The car parking available for this new space is mainly accessible on Stradbroke Road, and that car park is fairly small. I have not done the count, but I think it is in the order of 30 or 40 parks, and then there is some street parking as well.

The challenge has been that an extra several thousand people per weekend come to visit this nature play space, which has quite reasonably been heavily promoted by the government to attract people to it. However, they did not give any thought to where these people will park. Consequently, there are about 15 local streets in Rostrevor and Woodforde in particular where people are parking dangerously and illegally in some cases. They are blocking corners, blocking access to people's houses and blocking driveways.

The Adelaide Hills Council and the Campbelltown council have had significant stresses placed on them. They have had to put parking restrictions up, which significantly impact on local residents' lifestyles. They cannot invite people over to their houses to watch the football on Saturday because either the cars are there for people going to the nature play space or the council has put up parking restrictions. Those are the two options. The councils have been surveying: 'Do you want parking restrictions or do you want the cars there?' Either way, nobody is having a grand final party in Seminary Way, Redden Court or any of those roads.

This is a sincere issue. This is an issue I spoke to the minister about yesterday and I am very pleased that he admitted that this is a problem that needs to be addressed. He said that the department has now been instructed to look at some extra car parking options, but there needs to be more car parking, at least as a temporary measure, for this summer on site, created as soon as possible. Otherwise, my residents are going to have an absolute nightmare of a situation.

It is going to be very dangerous for children accessing the park who have to walk across roads full of cars parked badly and traffic behaving the same. This is an issue that I urge the government to act swiftly on so that my community can have a safer summer and a better outcome for all those residents.

COMMUNITY EVENTS

Ms BEDFORD (Florey) (15:22): On this auspicious day when, after a struggle of at least 27 years, Saudi women will finally be able to hold a driver's licence, albeit only from June next year, and in the week of the lead-up to a grand final that will feature a South Australian side, the Adelaide Crows, vying for a flag 19 years after their last, there is much to celebrate. Some events are bigger than others and it reminds me how important the annual events, both big and small, within our communities are to unite us all in a spirit of endeavour and achievement.

I want to speak about a couple of events that I look forward to each year. The first is the Australian International Pedal Prix for human-powered vehicles. Thousands of people are involved in hundreds of teams competing in a series of events throughout the year, culminating in a 24-hour endurance race held in the Rural City of Murray Bridge. Thanks must go to the Rural City of Murray Bridge as I understand they have just reached an agreement with the Pedal Prix board that will see the event continue there well into the future.

The race enjoys a happy collaboration with the University of South Australia, which also sponsors the Tour Down Under. The events are not dissimilar, except for the amount of overall funding each enjoys. There are many local governments involved: the cities of Waikerie and Mount Gambier, the District Council of Grant and now the City of Busselton as well from Western Australia. There are other higher educational institutions involved, like Curtin University, as well as public and private schools from all over Australia. Pedal prix could not happen without them and I thank all the sponsors that provide assistance in kind on behalf of everyone who holds Pedal Prix so dear. Many local businesses have been involved for a long time.

It was great to be back trackside last Saturday with the member for Hammond and other invited guests to enjoy a bird's-eye view of the starting line, even though the start was delayed due to the strong winds lashing the picturesque Sturt Reserve, which was lined by nearly every houseboat on the river. Because safety is the prime concern, the delay was inevitable. Unfortunately, this is the first time I have not seen the race start. Many schools from within or very nearby Florey participate

and I thank all the mentors, support crew and families who make this wonderful opportunity possible for so many students. Pedal Prix can be a lifelong passion, even an addiction. To all the people at each school—and you all know who you are—I thank you for all you do.

This year, in category 1 we have some great results, and no doubt some hard luck stories. East Para Primary School, the Crank Crew, came third after entering the last round in first position; The Heights School, Odyssey, was 47th; and Ardtornish Primary School, the Ard Rocket, which I know you will have very close to your heart, sir, was 49th. Category 2 saw Modbury High's Lynx finish 20th and The Heights School, Pulsar, came 57th. In category 3, Modbury High, Cheetah, came 16th and the Modbury High Pink Panthers came 44th overall. St Pauls, COGS, came 35th; Valley View, Viper Venom, came 53rd. It was their first year in the competition and they did a great job. Category four saw The Heights School, Orion, come 39th and Thor 41st.

I should also add that there is an all-female team within each of the categories (one to three) and Modbury High's Pink Panther seem to be on top of the table. I know they were leading at the start of the day. Winning is not everything, though. Although it certainly does help after a long weekend at Murray Bridge—it is doing a personal best that really counts. To Andrew and all your team, you did it again under very difficult circumstances and we are all in awe of all you do. We owe you a great debt of gratitude for all that you do and continue to do for Pedal Prix.

The other event is the annual art show at Modbury Special School, and again, sir, you will know about that. It is an absolutely amazing centre of learning and my admiration goes to principal Cam and his wonderful, dedicated and committed staff, the governing council and all the supporters of the school, chief among them the Modbury Kiwanis, who have been looking after their bicycles for years. Thanks to the many sponsors, among them both the Crows and the Power and many local small businesses. There was a fabulous spread of finger food, wines and live music. We could have been in any five-star venue. The art was absolutely five-star too.

The inaugural Waratah Memorial Art Prize was awarded in memory of Natalie Van Der Heiden, a much-loved teacher who died in an accident earlier this year. All the pieces of art were outstanding and the school will put the funds raised to good use. There were many people in attendance, among them the member for Newland, yourself sir, and former principal, Julie Aschberger, whose work in this area is nationally recognised and is the strong foundation for so many of the innovative programs and the excellent results that the school achieves with their students, giving them pathways after their graduation, something that is celebrated at the end of each year by a gala ceremony and dinner.

I am proud to be involved with these and so many other events in the community. Winter sporting achievements are being recognised as summer sports get underway, and I look forward to celebrating and acknowledging all these important events—from the Para Vista calisthenics to Pooraka under-12 football, also held last weekend—right up to the end of the year and beyond.

COUNTRY HEALTH SA

Mr VAN HOLST PELLEKAAN (Stuart) (15:27): The electorate of Stuart is serviced by 17 country hospitals, nine of which are actually within the electorate and eight that are just outside the boundary of the electorate but happen to be the closest hospital to the people who live within the electorate. Everybody in this chamber knows how important I think Country Health is: health delivered in hospitals and also health services delivered to the people I represent from outside of those hospitals as well.

I am particularly concerned about the fact that Country Health SA is considering arranging a central packing and delivery service for Webster-paks. Webster-paks, as you may well know, are packs that are set up with a patient's individual prescription needs for several days or a week at a time. They are prepackaged so that all the medication that has been prescribed will be available from one handy source in an organised way for those patients to access throughout the week. It helps to avoid any misunderstanding or accidental mis-dosing, getting times wrong, wrong tablets at the wrong time of the day or on the wrong day, etc. The patient can very easily work through the Webster-pak by following the instructions on the pack and the times, knowing that the right medication that has been prescribed is available and taken at the right time.

This service is typically available to country patients, including aged-care residents, by local pharmacies. Most towns in country South Australia that have a hospital also have a pharmacy or at the very least a pharmacy service that operates two, three or four days a week. If the government is considering centralising this service so that prescriptions are sent to a central place, perhaps in Adelaide, and the prescriptions are filled and the packs are made up and sealed in Adelaide and then sent back to the country towns for their use by patients, that would be a great shame. That is something I will fight against very deliberately and very hard.

That would create quite a few problems, number one being that the pharmacies in these local areas would lose a significant amount of business and that might put their overall business at jeopardy, so they may then not be able to be economically viable to provide the other important pharmacy services that they do in country areas.

If there is some mix-up with regard to the packing of these Webster-paks, then how would the patient go back to the central service area in Adelaide or potentially another regional centre to get the mix-up corrected? This would all be happening a long way away from the prescribing doctor and/or the pharmacist the patient is used to dealing with. A pharmacy on the spot could very quickly rectify the problem, get the correct medication to the patient, whereas a remote pharmacy service would not be able to do that quickly.

The other thing is that, typically, the pharmacy that provides the service charges for the prescription medication that is filled and charges a very small fee for packing the Webster-paks. It is hard to imagine that there would be any significant cost saving to Country Health SA or to anybody else involved in the situation by having the service provided in a central location because, if it is already a low cost for the actual packing, it is hard to imagine that there would be a significant saving. I do accept the fact that Country Health SA needs to find savings where it can, but it is hard to imagine that that is something that would be achievable in this situation.

I put on notice the house and I put on notice new health minister Malinauskas that this is a matter which everybody who has a care for country health across our state needs to be aware of, and I ask the government to make very plain its intentions. If the government can come out very quickly and say 'No, this is not happening,' then I will welcome that statement, I will be satisfied with that statement and I will consider my work in this area to be done.

If the government cannot say very quickly that it is not considering pursuing this matter in the way that I have been told the government is considering doing, then let me say very clearly the government will have a fight on its hands in this area because this will be to the detriment of the people who receive these prescriptions and also to the detriment of people who use pharmacy services throughout country South Australia.

SCIENCE MEETS PARLIAMENT

Ms VLAHOS (Taylor) (15:32): I would like to speak about an event that was held in the South Australian parliament last night. It was the concluding one of a series we have held in 2017, and it involves Science Meets Parliament. Last night, we had the honour of hosting two former NASA astronauts in the building: Dr Andy Thomas AO and Colonel Pam Melroy. We also had the opportunity to speak to several astroscientists: Dr Alex Grant, Chief Executive Officer of Myriota; Michael Davis, Chair of the Space Industry Association and Chair of the IAC 2017 Local Organising Committee, which is holding a very large convention at the new Convention Centre; and Dr Andrew Seedhouse, Chief of National Security and Intelligence, Surveillance and Reconnaissance Division of the DST Group.

It was fascinating to hear Dr Thomas speak about the establishment of the Australian space agency, which was announced this week. It was heralded at a recent CEDA lunch I attended today as an incredibly important step forward, as we were the last OECD country to form an agency in this space. South Australia is well positioned to benefit from this agency and to support local businesses to participate in the growing space industry and space projects in our state, particularly taking advantage of the Woomera space that has long been at the heart of many of the defence projects in our state.

It was fascinating to hear Colonel Pam Melroy talk to us about her journey from being a US Air Force pilot, joining in 1983, to most recently coming from her time at DARPA, which involved

intellectualising science and big ideas across government and how we commercialise them into government and a variety of other spaces that are exciting, whether it is satellites for weather or for data processing. The potential we have now, moving into the space economy is very important, as we commercialise space and not just leave it as a government response.

It was fantastic, as well, to hear Dr Seedhouse talk about how the space domain will provide critical capabilities to the ADF and Defence but also to the burgeoning new space era of commercialisation, and about how our South Australian universities, that do support Science Meets Parliament—as in Flinders University, UniSA and Adelaide University—will be working in this area, alongside people in the space industry, to develop our capabilities as a state.

Most importantly, at the end it was wonderful to hear Michael Davis, who is the chair of the Space Industry Association, welcome to this parliament fellow international parliamentarians who had come together over the weekend to talk about space law, space entrepreneurship—or 'astropreneurship', as it is being spoken of—and about how we can work, as legislators across the globe, to ensure that this space is governed in a fair and just way, as we would expect any of our international global obligations to be met.

MURRAYLANDS AWARD WINNERS

Mr PEDERICK (Hammond) (15:35): I rise to speak about some Murraylands award winners today. The Murraylands have been extremely successful at two major awards events hosted here in Adelaide in the last couple of months, and I am honoured to represent those award winners as their local state member.

On 24 August, I had the pleasure of attending the 2017 Adult Learners Week Awards in support of award finalists for the categories of Adult Educator/Mentor of the Year and Adult Learning Program of the Year. The Adult Learning Program of the Year was awarded to the Murraylands Food Alliance Jobs 4 Murraylands program, a Murraylands-based program facilitated by Christine Willersdorf in collaboration with Regional Development Australia, Murraylands and the Riverland. MFA Jobs 4 Murraylands addresses the needs of local industries and connects participants with employment opportunities whilst also supporting them to increase confidence, self-esteem and motivation. This program has been a great success, delivering results for its participants and to the region, and I look forward to learning of its future achievements.

The Adult Educator/Mentor of the Year was also awarded to a Murraylands resident, and that was Christine Willersdorf. Her dedication to the industry of training and facilitating was recognised at the Adult Learners Week Awards when she was awarded the 2017 Adult Educator/Mentor of the Year. Christine believes in all those who participate in her programs, but what she teaches them is crucial to their success, and that is to believe in themselves. These awards recognise the work done to get the long-term unemployed into employment, and they are having an 85 per cent success rate.

These two award winners, along with several other Murraylands constituents, were also finalists at the 2017 SA Training Awards held on 1 September, which I again attended to show my support. I was overwhelmingly impressed with the success of the Murraylands region at the SA Training Awards, with all for local nominees becoming winners in their categories and winning four of the 11 awards on offer.

The Murraylands Food Alliance Jobs 4 Murraylands program again showed its success, after winning the Industry Collaboration Award. This award recognises outstanding collaboration with at least one employer or industry body. The Murraylands Food Alliance Jobs 4 Murraylands program is a well-deserving recipient, after successfully collaborating with over 50 industry stakeholders or employers.

In the Traineeship of the Year category, Ms Sandy Beaton of the Rural City of Murray Bridge council was nominated for progressing her knowledge in business and administration through her traineeship whilst demonstrating exceptional organisational and communication skills. Sandy's hard work and determination throughout her traineeship was recognised when she became the 2017 South Australian Trainee of the Year.

The success did not stop there for the region. The School-Based Apprentice of the Year was also awarded to a Murraylands-based recipient, Max Miegel. Max's passion for agriculture is evident through his commitment to the industry, in this case to the dairy industry working with the Mueller family at Murray Bridge. It is inspiring to see Max's dedication to an industry that is a vital part of our state and country. Max was successful on another occasion at the awards, after being awarded the People's Choice award. This accolade is based on an online vote for the public's favourite individual South Australian training awards finalist.

Both these evenings were filled with excitement and celebration for our region, and the recipients of the South Australian Training Awards should be extremely proud. I look forward to hearing of their future successes within their selected industry fields. I note that if they go through the process—and it is not just automatic selection into the national finals in Canberra; there is a bureaucratic process to go through—I wish them all the best and all the luck in those national awards coming up in Canberra later on in the year.

COLONEL LIGHT WEST TENNIS CLUB

Ms DIGANCE (Elder) (15:40): I rise today to talk about the Colonel Light West Tennis Club. In mid-August this year the Colonel Light West Tennis Club, located in a beautiful reserve next to a playground on Penang Avenue, Colonel light Gardens, held their AGM and celebrated a significant milestone, being that of their 90th year. The club was founded in March 1927 under the guidance of president, Mr Hurtle Oakey, who steered the club for some 31 years when in 1958 the late Mr Murray Fraser took over the reins.

Over the years, the club has won in excess of 150 premierships across junior and senior competitions, and its members have participated in hundreds of finals. The club offers coaching, competitive and social tennis to children and adults of all ages and abilities. The club has eight high quality hard courts and air-conditioned clubrooms with restricted liquor licence, kitchen and barbecue facilities. The courts are available for casual hire when not in use by members and the clubrooms are available for hire, providing an ideal venue for birthday parties, work functions and family fun days.

On the 90th birthday celebration, it was interesting to listen to and talk with members of the club and hear about the history and the involvement of generations of families. At the heart of the club is the commitment and value of every single person and the friendship, companionship and social connections. Outgoing president, Leigh Aitken, cited the club as his home away from home over the past 45 years, having spent half his existence at the club. He first played tennis with his parents, watching on when he was eight years old and, prior to that, having watched them from his pram as a baby.

In the club's 90-year history, there have been 13 different presidents. That is only one every seven years, and the significant contribution of 30 members has been recognised with life membership. The club is built on the dedication, hard work and passion of volunteers, especially the commitment of the many people who have served on the committee over the years.

Some interesting facts about the club are that in the earliest records of the association the Senior Division 2 Team, B Division, won the grand final in the 1932-33 season, but it did not go on to win a division 1 premiership until the 1949-50 season. In the 1967-68 season, the club won all six senior divisions, and to this day it is still the only club to have done this in the same season. It won premierships in every senior division. This is a feat that the club believes is unlikely to ever be achieved again.

The club won the Division 1 Junior Girls Premiership in 1951-52, which appears to be the first year of the junior girls competition. It took the club until the 1959-60 season to win the Division 1 Junior Boys Premiership. Also, Colonel Light West was awarded the Metropolitan Club of the Year in 1999. As the club enters its 91st year, its membership is around 138, incorporating junior and senior members, life members, social members and mid-week ladies. Three of the male members this year will achieve a combined senior game tally of more than 1,700 senior games. An amazing achievement!

While the club identifies that it has many challenges ahead in maintaining and recruiting members, especially females, it is approaching this through a lens of innovative strategies with an

offer of flexible options to play tennis. The historic nature of the occasion of the 90th birthday celebration was extra significant as we witnessed the appointment of the first female president of the club. Congratulations, Leta Northcote, and the confidence the membership has in you was palpable on the day.

This is a great club with proud history, with generations of families based on the solid foundation of friendship, companionship and a keen sense of fun, community and, of course, competition. I look forward to the next unfolding chapters of this club and congratulate you on your great success at Colonel Light West Tennis Club as you continue with your long tradition of being a competitive, social and family-friendly place to play tennis on facilities of a high standard. Congratulations on your sense of community and creating a feeling of belonging. Congratulations on your 90th anniversary.

Bills

AUSTRALIAN ENERGY MARKET COMMISSION ESTABLISHMENT (GOVERNANCE) AMENDMENT BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:45): Obtained leave and introduced a bill for an act to amend the Australian Energy Market Commission Establishment Act 2004. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:46): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is amending the *Australian Energy Market Commission Establishment Act 2004* to improve the governance of the national energy markets. The pace of change in energy markets is accelerating and as such it is important for key energy market institutions to have the capability for managing change in the energy markets.

The Australian Energy Market Commission makes rules which govern the electricity and natural gas markets, including the retail elements of those markets. The Australian Energy Market Commission also supports the development of these markets by providing advice to the COAG Energy Council.

The Bill amends the *Australian Energy Market Commission Establishment Act 2004* to allow for an increase in the number of commissioners from a minimum of three to a maximum of five. Increasing the number of commissioners will increase the diversity of skills amongst commissioners, allow the Australian Energy Market Commission to engage more broadly with stakeholders and better provide for succession planning.

Consequential changes to the quorum in the Bill to reflect the principle that decision making should occur with majority consensus amongst commissioners as much as possible. In the event of equal votes, the Bill provides for the Chair to exercise a deciding vote.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Australian Energy Market Commission Establishment Act 2004*

4—Amendment of section 3—Interpretation

A definition of *eligible MCE Minister* is inserted. The new definition is relevant for nomination purposes under the measure.

The definition of *MCE (States and Territories)* is repealed. The measure renders it redundant.

An interpretative provision relating to rounding fractions is included for the purposes of calculating two-thirds of eligible MCE Ministers.

5—Substitution of section 12

Proposed substituted section 12 provides that the AEMC is to comprise a minimum of 3 and a maximum of 5 Commissioners. One commissioner will be appointed as the Chairperson. The Chairperson and other Commissioners will be nominated for appointment by at least two-thirds of the eligible MCE Ministers.

6—Amendment of section 13—Terms and conditions of appointment

This amendment clause provides that if a vacancy occurs in the AEMC and, at the time of the vacancy, the AEMC consists of 3 or fewer Commissioners, a person must be appointed to fill the vacancy. In addition, if a vacancy occurs in the AEMC and, at the time of the vacancy, there were more than 3 commissioners, the vacancy must only be filled if the vacancy occurs in the office of Chairperson.

7—Amendment of section 14—Acting Chairperson or Commissioner

The amendments to subsections (1), (5) and (6) are consequential.

Proposed new subsection (3) provides that the Minister may appoint a person nominated by a minimum of two-thirds of the eligible MCE Ministers as an acting Commissioner during a period for which a Commissioner is not able to perform official functions or the office is vacant and the vacancy is required to be filled (in accordance with section 13).

8—Amendment of section 21—Meetings of AEMC

These amendments provide for the quorum at meetings of the AEMC to be one half of the total number of Commissioners (ignoring any fraction) plus 1. Related amendments are also made, including giving the Chairperson a casting vote in the event of a tie.

9—Transitional provision

A transitional provision relating to existing Commissioners continuing to hold office is set out.

Debate adjourned on motion of Mr Treloar.

The Hon. A. KOUTSANTONIS: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. J.R. RAU: Madam Deputy Speaker, did you read in today's newspaper that some people think that some of the things that happen here are dull?

The DEPUTY SPEAKER: I was appalled.

The Hon. J.R. RAU: I was quite wounded by that, so I am going to try to liven it up. In order to do that, I intend to introduce several bills.

The DEPUTY SPEAKER: Each one better than the last?

The Hon. J.R. RAU: Each one better than the one before. May I begin?

The DEPUTY SPEAKER: Yes, sir. Your time starts now.

SUMMARY OFFENCES (LIQUOR OFFENCES) AMENDMENT BILL

Introduction and First 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) (15:49): Obtained leave and introduced a bill for an act to amend the Summary Offences Act 1953; and to make related amendments to the Criminal Investigation (Covert Operations) Act 2009, the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 and the Liquor Licensing Act 1997. Read a first time.

Second 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) (15:50): I move:

That this bill be now read a second time.

The unlawful sale of liquor and supply of liquor in or around remote communities where the possession and consumption of liquor is generally prohibited often leads to alcohol-related harm, including serious violence, disorder, antisocial behaviour and medical problems for those communities.

The government is proposing a package of reforms to target the unlawful selling of liquor and various activities associated with the supply of liquor to further protect communities where the possession and consumption of liquor is generally prohibited. These are also known as dry communities. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The impacts of the harmful use of liquor in Aboriginal and Torres Strait Islander communities has been the subject of a number of reports and inquiries. As outlined in the House of Representatives Standing Committee on Indigenous Affairs, 'Alcohol, hurting people and harming communities: Inquiry into the harmful use of alcohol in Aboriginal and Torres Strait Islander communities' (2015), the Australian Human Rights Commission reports 'that up to 71.4 per cent of Aboriginal and Torres Strait Islander homicides involve alcohol at the time of the offence, compared with 24.7 per cent of non-Indigenous homicides' (at page 12). That inquiry also reports that 'Aboriginal and Torres Strait Islander women are vastly overrepresented as victims of alcohol fuelled-violence' (at page 12).

In South Australia legislation and initiatives have been implemented to reduce the incidence of alcohol related harm to Aboriginal communities. These initiatives and legislation include:

- Licence restrictions

Conditions have been placed on the holders of high risk liquor licences under the *Liquor Licensing Act 1997* ('the LL Act'). An example of one of those restrictions is a condition that the licensee will restrict the sale of wine in casks for consumption off licensed premises to one cask of not more than two litres capacity per person per day. Another example of a condition is that the licensee shall not sell or supply port or fortified wine for off-premises consumption.

- Liquor Licensing Act 1997

The LL Act contains an offence provision for a person who sells liquor without a licence. The LL Act also enables police to serve orders barring a person from entering or remaining on specified licensed premises, licensed premises of a specified class, licensed premises of a specified class within a specified area, or all licensed premises within a specified area. The criteria for barring orders are proposed to be widened as part of the reforms in the Liquor Licensing (Liquor Review) Amendment Bill 2017 ('the Liquor Review Bill'), which is currently before Parliament. The criteria explicitly include factors such as the risk of alcohol abuse or misuse and domestic violence.

The Liquor Review Bill also includes a framework for liquor accords to enable interested parties (such as licensees, the local council, the Commissioner of Police, the Liquor and Gambling Commissioner and other persons/bodies prescribed by regulation) to agree on restrictions around the sale of liquor for the purpose of preventing or reducing alcohol related violence in a particular locality.

- Legislation regulating Indigenous matters

There are also prohibitions in specific communities, such as under the *Anangu Pitjantjatjara Yankunytjatjara Lands Rights Act 1981* ('the APY Lands Act') and the *Aboriginal Lands Trust Act 2013* ('the ALT Act'). The APY Lands Act, as a result of by-laws gazetted on 18 June 1987, prohibits the possession and consumption of liquor on the lands (some exemptions exist). The ALT Act, through the regulations, prohibits the possession and consumption of liquor on Umoona Community and Yalata Reserve (some exemptions exist).

However, consultation with relevant agencies highlight that these measures are not doing enough to reduce the incidence of alcohol related harm.

The reforms in the Bill include:

- Creating offences in the *Summary Offences Act 1953* ('the SO Act') relating to possessing or transporting liquor for the purpose of sale as well as offences targeting those on whose behalf the liquor was possessed or transported and those expected to derive a benefit from the sale.
- Creating an offence in the SO Act for a person that supplies liquor or, possesses or transports liquor with intention to supply it to a person in a dry community.

- Providing a power in the SO Act in relation to the new offences for police to stop, search and detain vehicles (without suspicion) within certain areas determined by the Minister.
- Creating an offence in the LL Act for a holder of a licence to sell liquor to a person reasonably believed (or ought to have reasonably believed) to be an unlicensed seller intending to sell the liquor and the unlicensed seller then sells that liquor.
- Creating an offence in the LL Act for an occupier or person in charge of premises who knowingly permits the unlicensed sale of liquor on those premises.
- Amending the *Criminal Investigation (Covert Operations) Act 2009* so that serious criminal behaviour includes offences against section 29 of the LL Act (including the two new offences proposed) and the new offences in proposed sections 21OB and 21OC of the SO Act.
- Amending the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* so that a 'forfeiture offence' includes the new offences in proposed sections 21OB(1) and 21OC(1) of the SO Act.

The Bill seeks to implement measures to assist in reducing the incidents of alcohol related harm to Aboriginal people in communities where the possession and consumption of liquor is already generally prohibited. The Government considers that these measure will assist in addressing alcohol related harm including serious violence, disorder, anti-social behaviour and medical problems for Aboriginal people within these communities.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Insertion of Part 3B

New Part 3B is proposed to be inserted:

Part 3B—Liquor etc.

21OA—Interpretation

Definitions are inserted for the purposes of the Part. The definitions of *liquor* and *sale* are the same as in the *Liquor Licensing Act 1997*.

The other definitions relate to *designated areas*—certain offences and powers under the Part apply in designated areas—and *prescribed areas*.

21OB—Possession, transportation of liquor for sale

This section sets out an offence of possessing or transporting liquor for the purpose of sale (as defined). If such an offence is committed, liability is extended to—

- a person (if any) on whose behalf liquor is possessed or transported; and
- a person who would derive a direct or indirect pecuniary benefit from the sale of the liquor who knew, or ought reasonably to have known, that the first person was in possession of or transporting the liquor for the purpose of sale.

The offences in subsections (1) and (2) do not apply to the possession or transportation of liquor for the purpose of a sale that may lawfully be made.

A defence is provided for in relation to the offence set out in subsection (3).

An evidentiary provision provides that if, for an offence against subsection (1) or (2) it is proved that the amount of liquor possessed or transported exceeds the prescribed amount, it is presumed, in the absence of proof to the contrary, that the liquor was possessed or transported (as the case requires) for the purpose of sale.

21OC—Supply etc. of liquor in certain areas

This section sets out an offence relating to the supply of liquor to a third person who is in a prescribed area. The offence extends to the transportation of liquor with the intention to supply, or believing

that another person intends to supply, the liquor to the third person and to the possession of liquor with the intention to supply it to the third person.

An evidentiary provision provides that if, for an offence against the section, it is proved that a person possessed or transported liquor in a designated area, it is presumed, in the absence of proof to the contrary, that the person possessed or transported the liquor intending to supply it to a third person.

21OD—Designated areas

This section empowers the Minister (by notice published in the Gazette) to designate an area of land as a designated area for the purposes of the Part. A designated area cannot include land that is more than 100km from the boundary of a prescribed area. Notices published under this section must be tabled in Parliament and may be disallowed by either House of Parliament.

21OE—Power to search vehicles for liquor in designated areas

This section sets out powers for police to stop and search vehicles and seize property in relation to the proposed new offences set out in the Part. The section also allows for the destruction, disposal or forfeiture of any such seized property.

The powers relating to seizure under this section do not apply to a motor vehicle. Another part of the measure amends the *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007* to allow for the clamping, seizure, impounding and forfeiture of motor vehicles in accordance with that Act.

21OF—Analysis and evidence

This section allows for the appointment of analysts by the Commissioner of Police for the purpose of analysing the seized property (and for proof of such appointment in proceedings) and for the development of guidelines on the manner in which the seized material will be analysed and the records to be kept in relation to such analysis. The section goes on to provide for proof that a specified substance is liquor by evidentiary certificate of an analyst. A further evidentiary provision provides for a presumption that a label on a sealed container that states or indicates that it contains liquor is proof that the container contains liquor of the description and in the quantity and concentration stated on the label.

21OG—Regulations

This section allows for the regulations to disapply the Part or provisions of the Part in prescribed circumstances or to a specified class of persons or to provide for exemptions from the Part or provisions of the Part for classes of persons or activities.

Schedule 1—Related amendments

Part 1—Amendment of *Criminal Investigation (Covert Operations) Act 2009*

1—Amendment of section 3—Interpretation

Certain of the new offences provided for in the measure (being offences against section 29 of the *Liquor Licensing Act 1997* and offences against section 21OB or 21OC of the *Summary Offences Act 1953*) are added to the definition of *serious criminal behaviour*.

Part 2—Amendment of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

2—Amendment of section 3—Interpretation

Certain of the new offences provided for in the measure (being offences against section 21OB(1) or 21OC(1) of the *Summary Offences Act 1953* (defined as *designated liquor offences*)) are added to the definition of *forfeiture offence* for the purposes of clamping, impounding and forfeiture of motor vehicles.

Part 3—Amendment of *Liquor Licensing Act 1997*

3—Amendment of section 29—Requirement to hold licence

A new provision provides that an occupier or person in charge of premises on which liquor is sold in contravention of existing section 29(1) who knowingly permits the sale is guilty of an offence

In addition, if a prescribed person (which is defined) sells liquor to another person and the prescribed person reasonably believes, or ought reasonably to believe, that the other person intends to sell the liquor in contravention of existing section 29(1) and that other person then sells the liquor in contravention of subsection (1), the prescribed person is guilty of an offence.

Debate adjourned on motion of Mr Treloar.

STATUTES AMENDMENT (EXTREMIST MATERIAL) BILL

Introduction and First 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) (15:52): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. Read a first time.

Second 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) (15:53): I move:

That this bill be now read a second time.

Recent events have reinforced the need to ensure that as much as possible is done legislatively and otherwise to prevent terrorism, recognising the need to balance this, of course, with concerns to protect individual liberties. The South Australian police force is concerned that there is currently a legislative gap whereby police cannot act in circumstances where the high evidentiary burdens of the more serious commonwealth terrorism offences are not met.

To bridge this gap, we will enact offences that relate to possession and dissemination of extremist material without the need for evidence to suggest a particular connection between the material and a terrorist act. Research and experience shows that extremist material has a radicalising effect and that there is a strong link between generating and consuming extremist material on the one hand and engaging in terrorist acts on the other.

The Statutes Amendment (Extremist Material) Bill 2017 will enact two new offences: one for the possession of instructional material for the commission of terrorist acts and another lower level summary offence of possession, production or distribution of extremist material that glorifies terrorist acts. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

By enacting these offences, police will be provided with the ability to intervene at an earlier stage in the 'life-cycle' of a radical extremist—using powers under general search warrants—to disrupt offences in a timely fashion and increase the ability to arrest suspects and implement preventative strategies through bail conditions.

The Bill will enact two new offences that relate to possession of extremist material in circumstances where there is no evidence to suggest a particular connection between the material and a terrorist act.

The first is a new indictable offence—new section 83CA of the *Criminal Law Consolidation Act 1935*—where a person, without reasonable excuse, collects or makes a record of information of a kind likely to be of practical use to a person committing or preparing a terrorist act, or has possession of a document or record containing information of that kind. This offence is modelled on a UK offence, in section 58 of the (UK) *Terrorism Act 2000,* which has been applied and interpreted in successful prosecutions in the UK.

The second offence in the Bill is a summary offence of possession, production or distribution of extremist material without reasonable excuse. This offence applies to extremist material that a reasonable person would understand to be directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts, or seeking support for, or justifying, the carrying out of terrorist acts, or material that a reasonable person would suspect has been produced or distributed by a prescribed terrorist organisation. Specific defences are available, including for reporting by media organisations and for law enforcement authorities. The Bill makes it clear that academics and others storing and sharing such material for a legitimate public purpose will have a reasonable excuse. A publication, film or computer game that is classified, within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995*, with a classification other than RC does not constitute extremist material for the purposes of this offence.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Insertion of section 83CA

This clause creates a new indictable offence which provides that a person who, without reasonable excuse, collects or makes a record of information of a kind likely to be of practical use to a person committing or preparing a terrorist act or has possession of a document or record containing information of that kind, is guilty of an offence. The maximum penalty for the offence is 7 years imprisonment. The provision also allows a court that finds a person guilty of the offence to order the forfeiture of anything that has been seized and consists of, or contains a record of, material to which the offence relates or consists of equipment used for the commission of the offence.

Part 3—Amendment of *Summary Offences Act 1953*

5—Insertion of Part 7A

This clause inserts a new Part as follows:

Part 7A—Extremist material

36—Interpretation

This section defines various terms used in the measure (several of which are terms defined consistently with terms in the current Part 5A of the *Summary Offences Act 1953*).

36A—Extremist material

This section defines *extremist material* as being material that a reasonable person:

(a) would understand to be directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts or providing instructions or seeking support for, or justifying, the carrying out of terrorist acts; or

(b) material that a reasonable person would suspect has been produced or distributed by a terrorist organisation.

37—Possession, production or distribution of extremist material

This section makes it an offence to, without reasonable excuse, have possession of extremist material or take any step in the production or distribution of extremist material. The penalty is $10,000 or imprisonment for 2 years. Proposed subsection (2) gives examples of circumstances in which a defendant may be found to have a reasonable excuse, including where conduct constituting the offence was for a legitimate public purpose. This is similar to the existing provision in section 26B of the *Summary Offences Act 1953* dealing with humiliating or degrading filming and, like that provision, includes a reverse onus for media organisations. The section provides that law enforcement personnel and legal practitioners, or their agents, acting in the course of law enforcement or legal proceedings do not commit an offence against this section.

38—Forfeiture

This section allows a court that finds a person guilty of an offence against the Part to order the forfeiture of anything that has been seized and consists of, or contains a record of, material to which the offence relates or consists of equipment used for the commission of the offence.

Debate adjourned on motion of Mr Treloar.

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Introduction and First 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) (15:55): Obtained leave and introduced a bill for an act to amend the Child Sex Offenders Registration Act 2006; the Criminal Law Consolidation Act 1935; the Evidence Act 1929; and the Summary Offences Act 1953. Read a first time.

Second 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) (15:56): I move:

That this bill be now read a second time.

The Statutes Amendment (Child Exploitation and Encrypted Material) Bill 2017 amends the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935, the Evidence Act 1929 and the Summary Offences Act 1953. The bill will establish new offences to deal with administering or facilitating the use or establishment of child exploitation material websites and provide a means for the police to compel a suspect or third party to provide information or assistance that will allow access to encrypted or other restricted access computer material that is reasonably suspected to relate to criminal activities. I seek leave to have the remainder of the second reading inserted in *Hansard* without my reading it.

Leave granted.

The Bill is a timely and necessary response to dramatic technological advances and the new ways in which crimes, especially the sexual exploitation and abuse of children, are being committed. The internet and rapid advances in technology bring obvious benefits for modern society. However, there is also a dark side to these advances. The ease with which people can communicate, which has made the world so interconnected, can also be used for sophisticated criminal purposes, and unfortunately is often used in that way. Child sexual offenders have taken particular advantage of the advances in modern communication and technology to ply their illicit and abhorrent trade and build sophisticated criminal networks.

It is crucial that the criminal law keeps pace with such changes in technology and society and its behaviour, especially new ways of offending. These reforms will help ensure that law enforcement agencies and the courts have the tools to deal with those who do not abide by the standards that are rightly expected in modern society.

CEM website administrators and those hosting such websites contribute to the proliferation of CEM online and facilitate and promote the exchange and distribution of CEM (often of the most depraved nature) and also encourage contact sexual offending of children by others. While South Australia's existing laws address the possession and distribution of this material, existing offences do not always sufficiently capture the conduct of administering, establishing and operating CEM websites—which can occur without actual possession of the CEM. There is a gap in the current law.

The Bill introduces specific offences designed to criminalise the creation, promotion and use of CEM websites. The new offences draw on the model introduced by Victoria in the *Crimes Amendment (Child Pornography and Other Matters) Act 2015*. I also note the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill introduced to the Commonwealth Parliament on 13 September 2017 which introduces a similar new offence. The new State and Commonwealth offences are intended to be complementary in this important area.

The new State offences will carry a maximum penalty of ten years imprisonment, which is the same penalty that applies to most existing aggravated South Australian CEM offences.

The increasing use of encryption, and other means of hiding offending behaviour online is striking. Offenders are increasingly making use of such means to protect electronically-held material relating to not just CEM but also many other types of crime. Police are increasingly unable to again access to incriminating encrypted material. SAPOL notes that this problem arises especially to the investigation of CEM offending but extends to many modern crimes, including terrorism, drug dealing, serious and organised crime, cyber fraud, theft, identity theft, revenge porn and cyber facilitated abuse. The modern encryption programs, despite the world of Hollywood, are virtually immune to 'breaking' by law enforcement agencies.

The Bill addresses the omission in current South Australian police powers as there is no general power in South Australia to compel the provision of a password or other means of access to encrypted or other restricted access material. The Bill draws on these models to provide a means for the police to compel a suspect or third party to provide information or assistance (such as password/s or fingerprint) to access the encrypted or restricted access computer material. The power to compel a suspect or third party to provide access to encrypted material is provided to a Magistrate in light of the sensitivity of the power.

While the notion of compelled access to protected computer or online material may be perceived by some as intruding on important considerations of privacy and confidentiality, it is a necessary measure to support the investigation and prosecution of CEM offending and other modern crime. The digital castle cannot be absolute.

Online CEM Offence

Both SAPOL and researchers note that child sexual offenders have taken particular advantage of the recent advances in modern communication and technology to ply their abhorrent and illicit trade and build criminal networks.

While there are a number of ways in which CEM can be viewed and exchanged, both research and SAPOL experience shows that websites are the easiest and most visible way of accessing CEM. These websites promote and encourage the distribution of CEM images (often of the most degraded nature) and the sexual exploitation and actual abuse of children. CEM website administrators and those providing hosting services thus contribute to the proliferation and distribution of this material online and encourage contact sexual offending by others. The Bill seeks to discourage the creation, promotion and the use of such websites and targets those who administer, establish, operate or provide hosting services to them.

While South Australia's existing laws address the possession and distribution of CEM, existing offences do not always sufficiently capture the conduct of administering, establishing and operating CEM websites and online networks—which can occur without actual possession of the CEM. SAPOL have identified at least one actual case where the person hosting or the administrator of such a website, having the intention of facilitating the dissemination of CEM material, would not fall within existing local criminal laws.

The Bill introduces three specific offences designed to criminalise the creation, promotion and use of CEM websites. The new offences are designed to address the administration and use of websites dealing in CEM without intruding upon legitimate internet service and website providers. The new offences draw on the model introduced by Victoria in the *Crimes Amendment (Child Pornography and Other Matters) Act 2015*.

The new State offences are designed to complement and support the new similar offence in Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill introduced to the Commonwealth Parliament on 13 September 2017.

The new State offences will carry a maximum penalty of ten years imprisonment, which is the same penalty that applies to most existing South Australian aggravated CEM offences. This is consistent with the Victorian offences.

The first new offence in the proposed s 63AB(1) of the *Criminal Law Consolidation Act 1935* targets administrators and those hosting CEM websites or assisting in the administration or hosting. This could cover those who create the websites, moderate contributions to it, manage or regulate membership of a website for viewing or sharing CEM or maintaining the website. Another example is where a person monitors traffic through a website and ensures that the web server hardware and software is running correctly, being aware, or intending that the website be used by other persons to download CEM.

The first offence applies only to persons who either intend that a website they are hosting or administering be used for dealing with CEM or those who are aware that the website is being so used and take no reasonable steps to prevent the use of the website for dealing in CEM.

The term 'administering a website' is given an inclusive meaning as reflects modern technology and online offending. The Bill includes provision to allow activity or function of a kind prescribed by Regulation to be added or excluded as falling within the administration of a website. It is important given the rapid changes in technology and means of online offending that the new offence has the flexibility to capture new forms of online offending or to exclude situations which should be excluded.

'Hosting' is defined in the Bill as providing storage space or other resources on a server for the website. This fairly limited definition of hosting is intended to capture those providing services directly to the offending websites, and avoid capturing service providers further removed that may not have the direct ability or fine-grained control to prevent the website being used to disseminate CEM material. The Bill includes provision to allow activity or function of a kind prescribed by Regulation to be added or excluded as falling within the definition of the hosting of a website. It is important given the rapid changes in technology and means of online offending that the new offence has the flexibility to capture new forms of online offending or to exclude situations which should be excluded.

The Bill includes, as in Victoria, provision for a relevant industry authority such as the E Safety Commissioner to be added by Regulation.

The term 'website' has been given an inclusive definition to include online forums, groups and other social media platforms in recognition of the fact that some of these online platforms are capable of being used for dissemination of CEM and may utilise hosting services and administrators, with the relevant knowledge and control to commit the associated offences.

'Dealing with' is given a wide meaning as reflects modern technology and online offending and includes viewing, uploading, downloading or streaming child exploitation material or making such material available for viewing, uploading, downloading or streaming.

To ensure that the first new offence does not criminalise website administrators or those hosting a website in good faith, a defence applies if upon becoming aware that the website is being used for CEM they take all reasonable steps to prevent access to the offending material. This may include notifying police or a relevant industry regulatory authority or taking down the offending website. This new offence will also not apply to websites being used for a legitimate purpose, such as by SAPOL.

The Bill introduces a second new offence in the proposed s 63AB(5) to further disrupt the operation of CEM websites by making it an offence to encourage another person to use a CEM website and the person intends the other person to use the website to deal with CEM. The Bill defines 'encourage' as including 'suggest, request, urge, induce and demand.' This offence, for example, covers those who promote others to use a website to deal with CEM through advertising the website. The term 'encourage' could also cover, depending on all the circumstances, the modern online trait of display or communication through the use of symbols or emoji.

It will not be necessary to show that a particular person was actually encouraged by the person or the identity of the party encouraged to use the website to deal with CEM. The Bill draws specifically upon the comparable Victorian offence.

The third offence in the proposed s 63AB(7) provides it is an offence to provide information to another person and it is intended that the other person will use that information to avoid or reduce the likelihood of apprehension for a CEM offence. This offence addresses the conduct of those who intentionally facilitate others to use a website to deal with CEM, for example by providing advice to others about how to use a CEM website anonymously or how to encrypt files containing CEM.

The new offences are not dependent upon an offender's age.

The Bill includes an incidental power of forfeiture upon conviction for a CEM offence if a computer, similar device or indeed any item was used to commit or facilitate the commission of a CEM offence. A court making an order for forfeiture of any equipment, device or other item may, if it thinks fit, allow the offender or any other person an opportunity to recover (in accordance with any directions of the court) specified records, or other material not involved in the commission of the offence from the device before it is so forfeited.

Compelled access to encrypted computer records

Offenders are increasingly making use of readily available and sophisticated computer encryption programs to protect illegal material held, or transmitted online or on a computer or device, in relation to not only CEM offending but also evidence of organised crime and many other forms of modern offending.

Police are increasingly unable to gain access to incriminating encrypted or restricted access material relating to many crimes. Modern encryption programs are very difficult, if not impossible, to break in the absence of a password or other relevant information required to de-encrypt or access the data.

The Bill includes the new procedure set out in the proposed s 74BR of the *Summary Offences Act 1953* for a Magistrate (reflecting the sensitive nature of the power) to order that a suspected offender or other narrow class of third parties be compelled to provide information or assistance to access encrypted or restricted access records held on or accessible through a computer or data storage capable device. The class of third parties against whom such an order can be made is carefully prescribed to only capture persons that would be likely to have had some form of relationship or contact with the offender or device, that would give them knowledge or the ability to assist in accessing the suspected CEM material on, or accessible through the device.

The new procedure is designed to complement existing powers of arrest, search and seizure and does not limit or derogate from any other Act or law. The proposed s 74BO makes this point clear.

The new offence in the proposed s 74BW(1) with a maximum penalty of five years imprisonment will apply to a suspected offender or third party who fails, without reasonable excuse (the onus being on the accused to establish), to provide information or assistance to access encrypted or restricted access records. The maximum penalty for the offence needs to be effective and proportionate. Other jurisdictions such as Victoria have a maximum penalty of five years imprisonment.

The power to compel information and assistance to access encrypted or protected records is available in the investigation of all offences carrying a penalty of two years imprisonment or more. It broadly draws on the regime in the *Criminal Law (Forensic Procedures) Act 2007* which authorises forensic procedures for 'serious offences', that is an offence carrying more than two years imprisonment.

Though the acute problem of encrypted or protected material is typically encountered in relation to CEM offending, it is not confined to such crimes. The use of encrypted records is now an established feature of much modern offending. It could include fraud, drug dealing, cyber bullying or revenge porn, online stalking or a breach of an intervention order where the offender uses the internet to harass or communicate with his or her former partner. It could also arise in summary offences with imprisonment of two years or more such as bomb hoax incidents where the most appropriate offence is 'Create False Belief' under s 62A of the *Summary Offences Act*.

Assistance or information to be the subject of an order by a Magistrate under the proposed s 73BR of the *Summary Offences Act 1953* may include the provision of a password/s, encryption codes, other means of access (such as a fingerprint) and or anything reasonably incidental or necessary to access the data. The order encompasses compelling of information or assistance that might include the provision of multiple passwords or means of access if the encrypted material in question turns out to be protected by multiple layers of encryption. In other words one global order is sufficient and it will be unnecessary for the police to have to secure a new order each time they encounter another layer of protection.

Remote cloud storage is a common service used to store and distribute CEM and other data providing evidence of offending. The order to provide assistance or information to access the relevant data therefore includes data accessible from a device where the data is held on the cloud or other remote storage devices.

The authority to compel information and assistance also needs to cater for the preservation of data that can be erased remotely and a power to attend and remain at a location in order that the password(s) is/are provided in a timely manner. The authority to compel assistance or information also caters for preservation of data that can be erased remotely and the Bill includes a power to attend and remain at a location in order that the information/assistance is provided in a timely manner (including an incidental power of detention for up to two hours in serious or urgent circumstances pending a Magistrate's order to compel access to prevent the deletion of the encrypted material in question).

The Bill includes provision in the proposed s 74BT for a modified procedure in serious or urgent circumstances or to prevent the concealment, loss or destruction of the encrypted data in question. It may be that the incriminating encrypted data is not stored in the computer or device that has been seized by the police but is likely to be remotely stored in the cloud and the release of the person subject of the order would be likely to lead to the loss of the data in question. It may be that the incriminating data relates to serious child sexual abuse and there is a need for speed to prevent a sexually abused child at risk who can be traced and rescued from being removed by the offenders.

The offence under s 74BW provides a defence of 'reasonable excuse' for failing to comply with an order made under the proposed s 74BR(1) to provide information or assistance to access protected or encrypted data. The Bill provides that a fear of self-incrimination is not a reasonable excuse for failing to provide a password or other means of access. To allow this as a defence would undermine the effectiveness of the new power. The Bill draws on the Western Australian model in this context.

The test for a Magistrate to make an order to require access is on the familiar and well established standard of reasonable suspicion. This accords with many other powers of search and seizure.

The Bill provides in the proposed s 74BW(3) that, if in accessing encrypted or restricted access computer records in search of material relating to one offence the police should find material relating to another, quite possibly unrelated offence, the police are entitled to seize and retain the material relating to the other offence and to use it in any subsequent proceedings. This reflects the position for general powers of search and seizure at both common law and at statute.

The timing of an application for an order to require access is flexible. It may be either before or after the execution of any search warrant.

There is nothing in the proposed Bill to preclude or discourage police during a search, asking a suspect or third party to voluntarily provide access to encrypted material. The Bill to avoid any doubt makes this point clear in the proposed s 74BQ.

The intention of the new procedure to require access to encrypted material as set out in the proposed s 73BR(6) is that it should clearly apply to offences, whether committed before or after the Act comes into effect. It would be illogical if the police are already in control of a computer or come into control of a computer that may show evidence of a serious offence but they are only able to rely on the new power to require access to encrypted material if the suspected offence was committed after the Act comes into effect.

The Bill includes provision for the use of criminal intelligence in applications for an order to compel access to restricted access records and the requirement for the Magistrates Court to protect such confidential material if its public release 'could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety.' This is a provision used in situations such as this. The Bill does not preclude or discourage any claim of public interest immunity that may also arise.

The Bill in the proposed s 74BX includes a new tip off or cyber obstruction offence to cover the situation where an associate of the accused deletes the encrypted records in question when a device has been seized and an application for an order to require access has been made or is about to be made. This offence is especially necessary as with remote storage it is possible for an associate to be able to remotely delete the encrypted material even though the device has been seized by police and is the subject of an order to compel access.

The Bill provides in the proposed s 74BX that a person commits an offence if the person, without lawful authority or reasonable excuse, alters, conceals or destroys data held on a computer or data storage device in respect of which an order has been, or is to be, made under this Part of the Bill; and intends or is recklessly indifferent as to whether the investigation of the commission of an offence by another person is impeded or prejudiced; another person is assisted to avoid apprehension or prosecution for an offence; or the likelihood that another person is apprehended or prosecuted for an offence is reduced.

While the notion of compelling access to protected computer or online material may be perceived by some as undermining important considerations of privacy and confidentiality, it is a timely measure to support the investigation and prosecution of child sexual abuse and other modern crimes.

Incidental Legislative Issues

For consistency with existing similar CEM offences, the Bill provides that an offender convicted of the new CEM administer/host offence will be a registrable offender and subject to the requirements of the *Child Sex Offenders Registration Act 2006*.

The Commissioner for Victims' Rights and academics have noted the problem of re-victimisation, that is the repeated viewing of CEM (if even for a lawful purpose). The incidental legislative changes will further enhance protection to the victims of CEM offending.

The Bill also includes changes to the *Evidence Act 1929* to enhance the protection to the victims of CEM. The Bill amends s 67H of the *Evidence Act* to make it clear that 'sensitive material' includes CEM. This will make explicit the restrictions on the lawful access to such material, including preventing an accused from viewing such material. The Bill also amends s 69 of the *Evidence Act* to extend the usual requirement in sexual cases to clear a court when CEM evidence is being adduced.

The criminal law cannot remain unchanged in the face of technological advances and new ways of committing crimes, especially in relation to child sexual exploitation. The Bill is a proportionate and necessary measure to support the investigation and prosecution of not just child sexual exploitation but other forms of modern offending.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

4—Amendment of Schedule 1—Class 1 and 2 offences

This amendment includes as class 2 offences, the child exploitation material offences relating to websites, as proposed in the amendments to the *Criminal Law Consolidation Act 1935* by this measure (see proposed section 63AB below). This means that an offender convicted of any such offence, is a registered offender for the purposes of the *Child Sex Offenders Registration Act 2006*, and subject to the requirements of that Act.

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

5—Amendment of section 62—Interpretation

This clause inserts additional definitions for the purposes of the proposed new offences in section 63AB. These include definitions for *administering* and *hosting* a website, as well as what it means to *deal with* child exploitation material.

6—Insertion of section 63AB

This clause inserts new section 63AB to create 3 new offences in relation to websites used to deal with child exploitation material.

63AB—Offences relating to websites

Subclause (1) provides that a person commits an offence if the person hosts or administers a website (which is defined to include an online forum, group or social media platform), and the website is used by another person to deal with child exploitation material and the person intends or is aware that the website is being used by another person to deal with child exploitation material. The provision provides a defence if the person proves that, on becoming aware that the website was being used by another person to deal with child exploitation material, the person took all reasonable steps in the circumstances to prevent any person from being able to use the website to deal with child exploitation material. This includes shutting the website down, modifying the operation of the website so that it could not be used to deal with child exploitation material, or notifying a police officer or relevant industry regulatory authority and complying with any reasonable directions as to action that should be taken.

This clause also provides that a person commits an offence if the person encourages another person to use a website intending that the other person use the website to deal with child exploitation material.

It is also an offence if a person provides information to another and the person intends the other person to use the information to avoid or reduce the likelihood of apprehension for a child exploitation material offence (being an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*). This could include such things as a person providing advice to others about how to encrypt files that contain child exploitation material or how to use a website that deals with child exploitation material anonymously.

The maximum penalty for each of these offences is imprisonment for 10 years.

7—Amendment of section 63C—Material to which Division relates

This clause amends section 63C which sets out circumstances where the production, dissemination or possession of material is not an offence against Part 3 Division 11A (for example, by a police officer acting in the course of the officer's duties). The amendments extend these circumstances to cover 'dealing with' such material and is consequential on the proposed offences in new section 63AB.

8—Insertion of section 63D

This clause inserts proposed new section 63D

63D—Forfeiture

This proposed new section provides that if a person is found guilty of an offence against Part 3 Division 11A, then the court may order forfeiture of any material, equipment, device or other item that was used for or in connection with the commission of the offence. The court may allow a person the opportunity to retrieve specified records or information from such equipment, device or other item that was not involved in the commission of the offence before it is forfeited.

Part 4—Amendment of *Evidence Act 1929*

9—Amendment of section 67H—Meaning of sensitive material

This amendment makes it clear that 'sensitive material' includes child exploitation material, and thus ensures that the restrictions on lawful access to such material may apply.

10—Amendment of section 69—Order for clearing court

This amendment provides that a court must make an order to clear the court where child exploitation material is adduced as evidence in proceedings before the court. This means that only those persons whose presence is required for the purposes of the proceedings or who are otherwise allowed by the court are present.

Part 5—Amendment of *Summary Offences Act 1953*

11—Insertion of Part 16A

This clause inserts proposed new Part 16A.

Part 16A—Access to data held electronically

74BN—Interpretation

This clause inserts the definitions required for the purposes of the Part, including *computer*, *data* and *data storage device*. The measures established by this Part are only exercisable in relation to the investigation of a *serious offence*, which is defined to be an indictable offence or an offence with a maximum penalty of 2 years' imprisonment or more. This clause also makes clear that the reference to data held on a computer or data storage device includes data held on a remote computer or data storage device (such as the cloud) that is accessible from the computer or data storage device.

74BO—Interaction with other Acts or laws

This clause provides that the provisions of this Part are in addition to, and do not limit or derogate from other provisions of the *Summary Offences Act 1953* or any other Act or law.

74BP—Extraterritorial operation

This clause makes clear that this Part is to have operation outside South Australia to the extent of the legislative capacity of the Parliament to so provide.

74BQ—Order not required if information or assistance provided voluntarily

This clause clarifies that the information or assistance to access data held on a computer or data storage device contemplated by this Part pursuant to an order, may be provided by a person voluntarily. Any evidence or information that is obtained as a result of such voluntary provision of information or assistance is to be treated as if it were obtained by the lawful exercise of powers pursuant to an order under this Part.

74BR—Order to provide information or assistance to access data held on computer etc

This clause provides that a police officer may make an application to a magistrate for an order requiring a specified person to provide any information or assistance that is reasonable or necessary to allow a police officer to access, examine or perform any function in relation to data held on any computer or data storage device, or to copy any such data to another computer or data storage device, or to reproduce or convert any such data into documentary form (or other intelligible form).

The magistrate must be satisfied that there are reasonable grounds to suspect that data held on a computer or data storage device may afford evidence of a serious offence. The magistrate must also be satisfied that the specified person is either reasonably suspected of the relevant serious offence, or is the owner or lessee of the computer or data storage device (or employee or contractor of such a person), or a person who has used the computer or data storage device, or a system administrator for the system including the computer or data storage device.

In addition, the magistrate must be satisfied that the specified person has relevant knowledge of the computer, data storage device or network of which the computer or device forms a part, or knowledge of the measures that are used to protect data held on the computer or device. The specified person is not intended to be a party to the application. The order granted by the magistrate need not identify each particular device and is intended to cover possible multiple layers of protection that may be applicable in relation to particular data. A statement of the grounds on which an order has been made must not contain information if that disclosure would be inconsistent with a decision of the magistrate in relation to information classified as criminal intelligence under proposed new section 74BU. An order under this Part may apply in relation to a serious offence suspected of having been committed or alleged to have been committed before or after the commencement of the proposed new Part.

74BS—Application for order

This clause sets out the requirements for the application for an order which include a statement of the nature of the serious offence that is suspected to have been committed and in relation to which the order is required, and the grounds on which the applicant suspects the offence has been committed. The application must also set out the grounds on which the applicant suspects that any data held on the computer or data storage device may be relevant to the offence and the grounds on which the applicant suspects the specified person has knowledge relevant to gaining access to any data held on a computer or device. The application is to be supported by an affidavit made by the applicant.

74BT—Order required in urgent circumstances

This clause provides for an urgent application to be made to a magistrate by telephone if a police officer considers there are serious and urgent circumstances or that it is necessary in order to prevent concealment, loss or destruction of data held on a computer or data storage device that may afford evidence of a serious offence. In relation to an urgent application for an order, the police officer may require a suspect to remain at a particular place or to accompany the officer to the nearest police station while the application is made, or for the period of 2 hours, whichever is the lesser period. During that time, the police officer may require the person not to use or access a computer or data storage device, telephone or other means of electronic communication (unless to contact a legal practitioner to obtain legal advice), or as directed by a police officer. If the person fails to comply with these requirements, the person may be arrested and detained without warrant for a maximum of 2 hours or until an urgent application is made, whichever is the lesser. An urgent application must include the same information required for an ordinary application for an order in addition to the details of the circumstances giving rise to the urgency. If satisfied grounds exist to make the order, the magistrate may make an order on the proviso that the applicant agree to verify the relevant facts by affidavit, which is to be forwarded to the magistrate as soon as reasonably practicable. A statement of the grounds on which an order has been made by the magistrate must not contain information if that disclosure would be inconsistent with a decision of the magistrate in relation to information classified as criminal intelligence under proposed new section 74BU.

74BU—Criminal Intelligence

This clause provides that in proceedings under this Part, the Magistrate must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence. The duties imposed on a magistrate under this clause also apply to any court dealing with information properly classified as criminal intelligence under this Part. The Commissioner must not delegate the function of classifying information as criminal intelligence except to a Deputy Commissioner or Assistant Commissioner.

74BV—Service of order

A copy of the order is to be served personally on the person to whom it applies.

74BW—Effect of order

This clause provides that it is an offence for a person who is served with an order to contravene or fail to comply with the order without reasonable excuse. Compliance is not excused on the ground that to do so might tend to incriminate the person. This clause also makes it clear that any evidence or information obtained by the lawful exercise of powers pursuant to an order, including evidence or information obtained incidentally, may be used for the purposes of investigating and prosecuting any serious offence, and such evidence or information is not inadmissible merely because the order was obtained in relation to a different serious offence.

74BX—Impeding investigation by interfering with data

This clause provides that a person commits an offence if the person, without lawful authority or reasonable excuse, alters, conceals, or destroys data held on a computer or data storage device that is, or may be the subject of an order and that may, or could reasonably be expected to be, evidence of an offence, with the intention of, or being reckless as to whether doing so, impedes the investigation of an offence or assists another to avoid apprehension or prosecution.

Debate adjourned on motion of Mr Treloar.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO NO 3) BILL

Introduction and First 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) (15:57): Obtained leave and introduced a bill for an act to amend the Bail Act 1985; the Construction Industry Long Service Leave Act 1987; the Guardianship and Administration Act 1993; the Legal Practitioners Act 1981; the Magistrates Act 1983; the Second-hand Dealers and Pawnbrokers Act 1996; and the Young Offenders Act 1993. Read a first time.

Second 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) (15:58): I move:

That this bill be now read a second time.

The Statutes Amendment (Attorney-General's Portfolio No 3) Bill 2017 makes miscellaneous amendments to various acts to address a number of minor outstanding issues in legislation that have been identified by affected agencies and interested parties. Tantalisingly, I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Bail Act 1985

The Bill amends the *Bail Act* to authorise the manager of a youth training centre to witness a bail agreement or a guarantee of bail. This is consistent with the existing authorisation in the Act for the person in charge of a prison to witness these documents. Currently, when a youth is released on bail from a training centre following a successful application via video link, staff at the training centre are required to seek specific authorisation from the court on each occasion in order to witness the youth entering into the bail agreement. It is more appropriate and efficient for the manager of a training centre to have standing authority to witness bail agreements and guarantees of bail.

Construction Industry Long Service Leave Act 1987

The construction industry long service leave scheme allows certain workers to qualify for long service leave based on their service to the industry rather than just one employer. The amendment will bring work that involves the construction, erection, installation, extension, alteration or dismantling of data and communication cabling and security alarm equipment within the operation of the Act. This will mean that workers who undertake these types of work will have fairer access to entitlements in line with the rest of the construction industry. It is appropriate that the scheme be adapted to reflect the evolution of technology in buildings and structures over time.

The Bill also clarifies the crediting of effective service where a person transitions in or out of the construction industry long service leave scheme. This may occur due to a change of occupation with the same employer or due to changes in coverage of the Act. The amendment makes clear that only service with the employer at the time of transitioning in or out of the scheme is preserved for the purpose of ongoing long service leave accrual with that same employer. The amendment will not otherwise affect the preservation of effective service entitlements when an employee changes to a different employer within the scheme.

Guardianship and Administration Act 1993

An amendment is made to the *Guardianship and Administration Act* to remove the mandatory requirement for the State Coroner to hold an inquest into the death or apparent death by natural causes of a person who is subject to an order under section 32(1)(b) of the *Guardianship and Administration Act*.

The death of a person who is detained under section 32(1)(b) usually relates to an aged person with a mental incapacity who needs to be detained for their own health or safety. The State Coroner has reported that in most cases,

under this type of detention, the person dies due to natural causes. An inquest into a death in custody is often a long and drawn out process which, in cases where the person has died or appears to have died due to natural causes, results in unnecessary distress to surviving family members.

A death in these circumstances will remain a 'reportable death' under the *Coroners Act 2003*, meaning that it must be reported to the State Coroner. An inquest is still required to be held if the State Coroner considers it necessary or desirable to do so, or at the direction of the Attorney-General.

The amendment will apply to all deaths by natural causes of persons detained under section 32(1)(b), including deaths that occurred before the commencement of this Bill.

Legal Practitioners Act 1981

The Bill makes minor changes to the *Legal Practitioners Act*.

The definition of 'corresponding law' in section 5 is amended. The existing definition requires a proclamation to declare the corresponding law of another State each time its relevant legislation relating to the regulation of legal practitioners changes. The Bill adopts the definition provided by the Model Legal Profession Bill; a definition which is more efficient and is consistent with other jurisdictions.

The Bill also amends Schedule 3 of the *Legal Practitioners Act* to permit the use of conditional costs agreements in proceedings under the *Migration Act 1954* (Cth). A conditional costs agreement is an agreement between solicitor and client that provides that the payment of some or all of the legal costs in a matter is conditional on the successful outcome of the matter. The use of conditional costs agreements is prohibited for some types of legal matters, such as family law matters, where pursuing a win is not necessarily consistent with the policy objectives of the governing legislation. There is no reason why a successful outcome should not be rigorously pursued in proceedings under the *Migration Act*. It is, however, necessary to protect clients, who can be particularly vulnerable in these cases, from the inclusion of uplift fees. The Bill, therefore, permits the use of conditional costs agreements in matters relating to proceedings under the *Migration Act* but clarifies that the inclusion of uplift fees is not permitted in these cases.

Magistrates Act 1983

An amendment is made to the *Magistrates Act* to vary the manner in which the Deputy Chief Magistrate is appointed. The amendment is designed to provide for greater flexibility and to better suit the needs of the magistracy. The amendment will enable the Chief Magistrate to appoint a Deputy Chief Magistrate to assist with the administration of the magistracy and exercise the powers and functions of the Chief Magistrate in his or her absence. The term of appointment will be determined by the Chief Magistrate, but may not exceed 5 years.

The Bill expressly provides for this provision to come into operation on 8 July 2018, after the retirement of the incumbent Deputy Chief Magistrate.

Second-hand Dealers and Pawnbrokers Act 1996

The *Second-hand Dealers and Pawnbrokers Act* contains a negative licensing scheme. This means that a license is not required to carry on a business as a second-hand dealer but it is an offence for a person to carry on such a business if he or she has been disqualified by the Commissioner of Police. An amendment to the Act, which commenced on 1 July 2016, inserted provisions to allow the Commissioner of Police to disqualify a person from carrying on a business as a second-hand dealer without providing reasons for the decision if the decision was made because of information that is classified as criminal intelligence.

The Bill makes consequential amendments to the Act that were overlooked when the 1 July 2016 amendment was passed. The amendments will bring the provisions relating to the disqualification of persons based on criminal intelligence in line with other licensing schemes in the State.

Young Offenders Act 1993

Part 2 of the *Young Offenders Act* enables diversionary measures to be utilised where a youth commits a minor offence that results in a person suffering loss or damage. As an example, the youth may be required to attend a family conference, where he or she may be required to enter into an undertaking to give an apology or pay compensation to the person.

The existing provisions only allow for these diversionary measures to be utilised where a person has suffered physical or mental injury as a result of an offence committed by a youth. The Act does not permit police or a family conference to require a youth to enter into an undertaking to give an apology or pay compensation to a person who has suffered loss or damage as a result of an offence. This is remedied in the Bill.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 3—Interpretation

This clause inserts the definition of *training centre* - the term has the same meaning as in the *Young Offenders Act 1993*.

5—Amendment of section 6—Nature of bail agreement

This amendment will ensure that the manager of a youth training centre is authorised to witness bail agreements.

6—Amendment of section 7—Guarantee of bail

This amendment will ensure that the manager of a youth training centre is authorised to witness guarantees of bail.

Part 3—Amendment of *Construction Industry Long Service Leave Act 1987*

7—Amendment of section 4—Interpretation

This amendment expands the definition of *electrical or metal trades work* to include—

- data and communication cabling; and
- security alarm equipment.

8—Amendment of section 15—Crediting effective service under this Act and the Long Service Leave Act

This clause amends section 15 of the principal Act to clarify the parameters of the portability of long service leave for persons moving in and out of different positions with the same employer, 1 of which is construction work. In both cases (ie where a person moves out of construction work and into another position with the employer, and conversely where a person moves into construction work from another position with the employer), portability of long service leave is retained, but only in relation to the work undertaken with that employer.

Part 4—Amendment of *Guardianship and Administration Act 1993*

9—Insertion of section 76A

This clause inserts new section 76A into the principal Act. The new section enables inquests to be held, at the discretion of the State Coroner or the direction of the Attorney-General, into the death or apparent death (whether before or after the commencement of the new section) of a person from natural causes while subject to an order under section 32(1)(b) of the principal Act.

Part 5—Amendment of *Legal Practitioners Act 1981*

10—Amendment of section 5—Interpretation

The definition of *corresponding law* is amended to correspond to the model provision taken from the Legal profession—model laws project Model Bill (Model Provisions).

11—Amendment of Schedule 3—Costs disclosure and adjudication

This clause excludes conditional costs agreements relating to proceedings under the *Migration Act 1958* of the Commonwealth from the ambit of clause 26(1) of Schedule 3 of the principal Act.

Part 6—Amendment of *Magistrates Act 1983*

12—Amendment of section 6—Magistracy

This clause gives the Chief Magistrate (rather than the Governor) the power to appoint a Deputy Chief Magistrate. Such an appointment may be for a term (not exceeding 5 years) specified in the instrument of appointment.

Part 7—Amendment of *Second-hand Dealers and Pawnbrokers Act 1996*

13—Amendment of section 3—Interpretation

This clause inserts provisions relating to criminal intelligence that will make the principal Act consistent with provisions in the *Tattooing Industry Control Act 2015*.

14—Amendment of section 5A—Criminal intelligence

This clause inserts provisions relating to criminal intelligence that will make the principal Act consistent with provisions in the *Tattooing Industry Control Act 2015*.

Part 8—Amendment of *Young Offenders Act 1993*

15—Amendment of section 3—Objects and statutory policies

The statutory policies are extended to encourage the provision of compensation and restitution, where appropriate, for persons who have suffered loss or damage as a result of offences committed by youths.

16—Amendment of section 4—Interpretation

These amendments clarify that *loss or damage* includes costs and expenses but does not include injury, and that a reference in this Act to a person who has suffered loss or damage includes a reference to a body that has suffered loss or damage.

17—Amendment of section 8—Powers of police officer

The amendments under this clause extend the benefits of section 8 to persons who have suffered loss or damage as a result of an offence.

18—Amendment of section 10—Convening of family conference

The amendments under this clause extend the benefits of section 8 to persons who have suffered loss or damage as a result of an offence.

19—Amendment of section 12—Powers of family conference

The amendments under this clause extend the benefits of section 8 to persons who have suffered loss or damage as a result of an offence.

20—Amendment of section 13—Limitation on publicity

This amendment is consequential.

21—Amendment of section 26—Limitation on Court's power to require bond

This amendment is consequential.

22—Amendment of section 64—Information about youth may be given in certain circumstances

This amendment is consequential.

Debate adjourned on motion of Mr Treloar.

STATUTES AMENDMENT (SENTENCING) BILL

Introduction and First 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) (15:59): Obtained leave and introduced a bill for an act to amend various acts to update obsolete references to the Criminal Law (Sentencing) Act 1988; and for various other purposes consequential on, or related to, the enactment of the Sentencing Act 2017. Read a first time.

Second 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) (15:59): I move:

That this bill be now read a second time.

The Statutes Amendment (Sentencing) Bill 2017 includes consequential amendments to a number of South Australian acts as a result of the Sentencing Act 2017 passing the parliament. The Sentencing Act repeals and replaces the Criminal Law (Sentencing) Act 1988. It was a major rewrite and modernisation of the sentencing law of South Australia.

As the Criminal Law (Sentencing) Act 1988 will be repealed, it is necessary to replace references to this act in all other South Australian statutes. The bill also replicates provisions

previously located in the Criminal Law (Sentencing) Act 1988 relating to the limits to the jurisdiction of the Magistrates Court in the Magistrates Court Act 1991.

Likewise, provisions in the Criminal Law (Sentencing) Act 1988 relating to sentencing in the Environment, Resources and Development Court have been replicated in the Environment, Resources and Development Court Act 1993. Shifting the existing provisions into the Magistrates Court Act 1991 and the Environment, Resources and Development Court Act 1993 respectively is a more logical place to house the provisions relating to the jurisdiction and the powers of those courts.

This bill is the final stage in completing major reform to the sentencing law in this state. The new sentencing act reforms the way the courts sentence offenders and the results of sentencing processes. It introduces the safety of the community as the primary consideration in sentencing with every other consideration subject to that overriding consideration. It also provides a wider variety of sentencing options to promote alternatives to custodial sentences in favour of community based corrections for nonviolent and non-dangerous offenders giving the courts greater flexibility in sentencing to support the rehabilitation of offenders in appropriate cases. I seek leave to have the remainder of the explanation inserted into *Hansard* without my reading it.

Leave granted.

This Bill ensures that all consequential amendments to the South Australian Statute book necessary for the smooth transition from the previous *Criminal Law (Sentencing) Act 1988* to the new Sentencing Act are in place.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 10A—Presumption against bail in certain cases

Part 3—Amendment of *Births, Deaths and Marriages Registration Act 1996*

5—Amendment of section 29B—Interpretation

Part 4—Amendment of *Child Sex Offenders Registration Act 2006*

6—Amendment of section 4—Interpretation

7—Amendment of Schedule 1—Class 1 and 2 offences

Part 5—Amendment of *Community Based Sentences (Interstate Transfer) Act 2015*

8—Amendment of section 3—Interpretation

Part 6—Amendment of *Correctional Services Act 1982*

9—Amendment of section 4—Interpretation

10—Amendment of section 37CA—Home detention officers

11—Amendment of section 38—Release of prisoner from prison or home detention

12—Amendment of section 66—Automatic release on parole for certain prisoners

Part 7—Amendment of *Criminal Assets Confiscation Act 2005*

13—Amendment of section 224—Effect of confiscation scheme on sentencing

Part 8—Amendment of *Criminal Law Consolidation Act 1935*

14—Amendment of section 83GF—Sentencing

15—Amendment of section 83K—Enforcement of order for compensation etc

16—Amendment of section 269R—Reports and statements to be provided to court

Part 9—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

17—Amendment of section 4—Interpretation

Part 10—Amendment of *District Court Act 1991*

18—Amendment of section 54—Accessibility to Court records

The amendments referred to in the preceding Parts and clauses are consequential on the enactment of the new Sentencing Act and the repeal of the *Criminal Law (Sentencing) Act 1988* (the *repealed Act*) and substitute obsolete references to the repealed Act with references to the new Sentencing Act.

Part 11—Amendment of *Environment, Resources and Development Court Act 1993*

19—Insertion of sections 28D and 28E

28D—Sentencing conferences

28E—Deferral of sentence following sentencing conference

The substance of these 2 sections was formerly set out in the repealed Act. It is more appropriate that matters dealing specifically with the ERD Court be inserted in its own specific Act.

20—Amendment of section 47—Accessibility of evidence

Part 12—Amendment of *Firearms Act 2015*

21—Amendment of section 57—Power to inspect or seize firearms etc

Part 13—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

22—Amendment of section 31—Contravention of intervention order

The amendments proposed by clauses 20 to 22 (inclusive) to the various Acts are consequential.

Part 14—Amendment of *Magistrates Court Act 1991*

23—Amendment of section 9—Criminal jurisdiction

It is proposed to insert a number of subsections into current section 9 that were formerly contained in the repealed Act. It is more appropriate for jurisdictional issues relating specifically to the Magistrates Court to be included in the relevant principal Act. Other amendments update obsolete references.

24—Amendment of section 51—Accessibility to Court records

Part 15—Amendment of *Parliamentary Committees Act 1991*

25—Amendment of section 15O—Functions of Committee

Part 16—Amendment of *Prisoners (Interstate Transfer) Act 1982*

26—Amendment of section 28—Ancillary provisions relating to translated sentences

Part 17—Amendment of *Road Traffic Act 1961*

27—Amendment of 44B—Misuse of motor vehicle

Part 18—Amendment of *Shop Theft (Alternative Enforcement) Act 2000*

28—Amendment of section 3—Interpretation

29—Amendment of Schedule 3—Provisions relating to community service

Part 19—Amendment of *Spent Convictions Act 2009*

30—Amendment of section 3—Preliminary

Part 20—Amendment of *Summary Offences Act 1953*

31—Amendment of section 17AA—Misuse of a motor vehicle on private land

Part 21—Amendment of *Supreme Court Act 1935*

32—Amendment of section 131—Accessibility to Court records

Part 22—Amendment of *Victims of Crime Act 2001*

33—Amendment of section 10—Victim entitled to have impact of offence considered by sentencing court and to make submissions on parole

34—Amendment of section 32—Imposition of levy

35—Amendment of section 32A—Victim may exercise rights through an appropriate representative

Part 23—Amendment of *Young Offenders Act 1993*

36—Amendment of section 4—Interpretation

37—Amendment of section 22—Power to sentence

The amendments proposed to the various Acts by clauses 24 to 37 (inclusive) are consequential on the enactment of the new Sentencing Act and the repeal of the repealed Act.

Debate adjourned on motion of Mr Treloar.

STATUTES AMENDMENT (EXPLOSIVES) BILL

Introduction and First 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) (16:02): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953. Read a first time.

Second 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) (16:02): I move:

That this bill be now read a second time.

The Statutes Amendment (Explosives) Bill 2017 seeks to amend the Criminal Law Consolidation Act 1935 and the Summary Offences Act 1953 to ensure that the penalties for the possession, manufacture and use of explosive devices, and the related substances, apparatus and instructions, are commensurate with the seriousness of the risk posed by the reckless and malicious use of improvised explosive devices. I seek leave to have the remainder of the explanation inserted into *Hansard* without my reading it.

Leave granted.

At present, most of the offences relating to the manufacture and possession of explosives are set out in the *Explosives Act,* the *Explosives Regulations* 2011, the *Explosives (Security Sensitive Substances) Regulations 2006* and the *Explosives (Fireworks) Regulations 2016*. However, the offences in the Explosives Act and regulations are primarily targeted towards commercial or maritime misuse or manufacture of explosives: covering, for example, rules governing licensing for the manufacture, keeping, sale and transport of explosives. Penalties under this legislation are not significant and the requirement that proceedings under the Act are to be disposed of summarily means that SAPOL cannot utilise the investigatory options under the *Telecommunications (Interception) Act 2012,* the *Listening and Surveillance Devices Act* and the *Criminal Investigation (Covert Operations) Act 2009*.

The Bill inserts a new part 3D into the Criminal Law Consolidation Act to create new criminal offences with significantly higher penalties. For the purposes of new Part 3D, an explosive device is defined as 'any apparatus, machine, implement or materials used or apparently intended to be used or adapted for causing or aiding in causing any explosion in, or with, any explosive substance (and includes any part of any such apparatus, machine or implement)'. An explosive substance is defined as 'any substance used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect and any substance, or substance of a kind, prescribed by the regulations'. Both definitions are subject to new subsection 83M(2), which allows the Attorney-General, by notice in the Gazette, to exempt a specific substance, apparatus, machine, implement or material from the definitions and therefore from the operation of Part 3D.

New section 83N sets out three new offences relating to explosive devices. The unlawful use of an explosive device is the most serious offence with a maximum penalty of 20 years imprisonment. It will also be an offence to possess an explosive device in a public place without lawful excuse and to possess, supply or take steps in the process of manufacture of an explosive device without lawful excuse. The maximum term of imprisonment for these offences is 10 years and 7 years respectively. The burden of proving that there is a lawful excuse lies on the defendant in accordance with existing section 5B of the Criminal Law Consolidation Act.

The Bill also creates a new offence, with a maximum penalty of 7 years imprisonment, where a person possesses, uses or supplies an explosive substance, prescribed equipment or instructions on how to make an explosive device, in suspicious circumstances without a lawful excuse. The requirement for suspicious circumstances

has been included because many of the substances used to make improvised explosive devices have legitimate uses and can be easily and lawfully purchased from retail stores.

The final offences in new Part 3D relate to bomb hoaxes. The offences have been modelled on similar offences interstate and are punishable by imprisonment for 5 years.

To support the new criminal offences, the Bill also amends the Summary Offences Act to create additional search and seizure powers for police that are limited to the investigation of explosives offences. Under new section 72D, a police officer will have the power to enter and search any premises, and break into or open any part of the premises if reasonably necessary, for the purposes of ascertaining whether an explosives offence is being or has been committed.

New section 72D also sets out the requirements relating to the seizure and destruction of any property that may afford evidence as to the commission of an explosives offence. To ensure the safety of police officers attending to investigate a possible explosives offence the Commissioner has broad powers to direct that any seized property should be destroyed, either *in situ* if required or at some other suitable place. Reasons for giving such a direction could include that the seized property is considered too volatile to be safely stored and tested or that there is no appropriate facility in which to store the seized property. If the property is destroyed and the person is convicted of an offence in relation to that property, the court may order the convicted person to pay the reasonable costs of destruction to the Commissioner.

The Bill also contains evidentiary provisions that will assist in proceedings for an explosives offence, particularly where the seized property may need to be destroyed *in situ* because of the risks to SAPOL officers and the public in removing and storing the seized material.

New section 72E provides for the appointment of analysts by the Commissioner for the purpose of analysing seized property and the use of evidentiary certificates. The manner in which seized property may be analysed must be set out in guidelines developed by the Commissioner and placed on a website. Subsection (3) makes it clear that what amounts to an analysis is not limited to the scientific testing of samples which is not always possible with unstable devices and substances and can include physical examination, visual inspection of the property or visual inspection of photographs or films of the property. Once analysed, an evidentiary certificate may be used and will be, in the absence of any proof to the contrary, proof of the facts stated in the certificate. In addition, subsection (6) provides a presumption as to the contents of containers or vehicles if the label states or indicates that it contains a dangerous substance.

The new offences, search and seizure powers and evidentiary provisions in the Bill ensure that police have the tools to effectively detect and investigate activity connected with the domestic manufacture, possession or use of improvised explosive devices and the related precursors, instructions and apparatus and makes it clear to the community that such activity can only be for a lawful purpose.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of section 31—Possession of object with intent to kill or cause harm

This clause amends some penalties for consistency with the penalties proposed in new Part 3D.

5—Insertion of Part 3D

This clause inserts a new Part 3D creating serious explosives offences as follows:

Part 3D—Explosives offences

83M—Interpretation

This section contains definitions for the purposes of the Part and allows the Attorney-General to make certain declarations exempting devices from the definition of explosive device and exempting substances from the definition of explosive substance.

83N—Explosive devices

This section sets out 3 new offences relating to explosive devices. The most serious offence (punishable by imprisonment for 20 years) relates to unlawful use of an explosive device. Secondly there is an offence (punishable by imprisonment for 10 years) relating to unlawful possession of an explosive device

in a public place. Thirdly there is an offence (punishable by imprisonment for 7 years) relating to unlawful possession of an explosive device (which would apply to areas that are not public places), supply or taking a step in the process of manufacture of an explosive device. Under section 5B of the *Criminal Law Consolidation Act 1935* the burden of proving lawful excuse lies on the defendant.

83O—Explosive substances, prescribed equipment or instructions

This section creates an offence of using, having possession of or supplying an explosive substance, prescribed equipment or instructions on how to make an explosive device in suspicious circumstances and without lawful excuse. The penalty is 7 years' imprisonment.

83P—Bomb hoaxes

This section creates offences, punishable by imprisonment for 5 years, relating to bomb hoaxes.

Part 3—Amendment of *Summary Offences Act 1953*

6—Insertion of sections 72D and 72E

This clause inserts new sections as follows:

72D—Explosives offences—special powers

This section sets out powers for police to search for and seize material in relation to the proposed new explosives offences. The section also allows for the destruction or forfeiture of any such seized material.

72E—Explosives offences—analysis and evidence

This section allows for the appointment of analysts by the Commissioner of Police for the purpose of analysing the seized material (and for proof of such appointment in proceedings) and for the development of guidelines on the manner in which the seized material will be analysed and the records to be kept in relation to such analysis. The section goes on to provide for proof of certain matters by evidentiary certificate of an analyst and a further evidentiary provision provides a presumption that a label on a container or vehicle that states or indicates that it contains a dangerous substance contains true information relating to the contents of the container or vehicle.

Debate adjourned on motion of Mr Treloar.

POLICE (DRUG TESTING) AMENDMENT BILL

Introduction and First Reading

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (16:03): Obtained leave and introduced a bill for an act to amend the Police Act 1998. Read a first time.

Second Reading

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (16:04): I move:

That this bill be now read a second time.

South Australians have demonstrated their high levels of trust and confidence in the South Australia Police. As indicated in the 2015-16 SAPOL Annual Report, the community has returned ratings of 88.6 per cent for community confidence, 84 per cent for community satisfaction and 91.2 per cent for professionalism.

With illicit drug taking present in society, the risks associated with police officers taking illicit drugs would serve to undermine community confidence. It is important that police officers involved in significant incidents, such as when a person is killed or suffers serious injury, are closely scrutinised. The public must have confidence that police officers involved in such incidents are not affected by alcohol or drugs. Current drug testing provisions within the Police Act 1998 and the Police Regulations 2014 only allow for limited testing of illicit drugs and do not encompass a number of commonly available drugs used in the community.

Interstate inquiries into the personal use and supply of prohibited drugs by police officers highlighted the following risks:

- the nature of police duties calls for calm and careful decisions, a clear head and a balanced exercise of discretion, and the need to use motor vehicles and weapons. These requirements are incompatible with the impaired judgment and coordination which can result from drug use;
- public respect for the police force and the maintenance of good order and discipline are impossible in an environment that tolerates the presence of police at clubs, hotels and the like where they are seen to be affected by alcohol or drugs;
- the necessary association of any police officer who uses drugs, even for recreational purposes, with a supplier creates opportunities for compromise, blackmail and corruption, particularly if the habit becomes expensive to feed;
- a user of prohibited drugs is unlikely to approach the enforcement of drug laws with any degree of conviction; and
- participation in any form of criminal offence by an officer is in fundamental conflict with the sworn duty of the officer to uphold the law.

The community would rightfully be concerned by members of SAPOL being impaired by drugs in their decision-making or engaging in conduct which would compromise their integrity. The harm associated with illicit drug taking in the community is of significant importance and SAPOL has a leadership role in addressing this problem.

There is no evidence to suggest a significant issue exists within SAPOL—that is a very important point to make. In September 2014, amendments to the Police Act 1998 and regulations created the first legislative framework for drug and alcohol testing of police officers. SAPOL have subsequently developed the internal policy framework and from early 2016 have applied drug and alcohol testing to members involved in significant incidents. These are circumstances such as being involved in a critical incident whilst on duty, high-risk driving whilst on duty and applying for classified positions.

Classified positions are those which require that the applicants (i.e. already serving police officers) undergo a medical or psychological assessment as part of the application process. These positions, such as in the Special Tasks and Rescue (STAR) branch and undercover operatives have elevated demands in respect to resilience, fitness, psychological and physiological demands. A critical incident is where a person is killed or suffers serious bodily injury while detained by a police officer; or as a result of the discharge of a firearm or an electronic control device; or in circumstances involving a police aircraft, motor vehicle, vessel or other mode of transport; or as a result of alleged police action.

So far, no positive results have arisen from testing undertaken in these circumstances. Police can also be tested when it is believed the member has used a drug or alcohol. One member returned a positive drug test in these circumstances and that matter is before the Police Disciplinary Tribunal. Part 6, division 2 of the Police Act 1998 provides for drug and alcohol testing of police officers, cadets and applicants for SA Police in certain circumstances. Within the act, 'drug' is defined as a substance that is a controlled drug under the Controlled Substances Act 1984. The Police Regulations 2014 limit analysis to the prescribed drugs of cannabis, methylamphetamine and MDMA (ecstasy) only.

The presence of other drugs commonly found within the community, such as heroin and cocaine, cannot be tested for within the current legislative provisions. SAPOL has advised of a need for legislation to allow testing for a broader range of drugs. For futureproofing, it is proposed that any drug listed as a controlled substance pursuant to the Controlled Substances Act 1984 should be able to be tested for. In reality, the expansion at this time is to cocaine and heroin. I seek leave to insert the remainder of my second reading remarks into *Hansard* without my reading them.

Leave granted.

To achieve this consistency, amendments are required to the Police Regulations 2014. This would allow Police Officers and Police Cadets to be tested for drugs such as heroin and cocaine, already frequently found in the community. The authority will also allow for future testing of new drugs as they evolve, on the basis that the substance is first listed as a controlled drug under the *Controlled Substances Act 1984*. The Commissioner of Police would approve testing for drugs for any future drug as a policy decision rather than requiring legislative amendment on each

occasion. Such a testing regime is supported by the Police Association of South Australia. Changes are not proposed to the range of circumstances in which a Police Officer or Police Cadet can be tested.

The current drug testing process SAPOL uses under the *Police Act 1998* has similarities to that used for drug driver testing of the public underpinned in the *Road Traffic Act 1961*. The drafting approval given by Cabinet on 5 December 2016 was to amend the *Road Traffic Act 1961*, the *Rail Safety National Law (South Australia) Act 2012* and the *Harbors and Navigation Act 1993* to replace the oral fluid analysis (OFA) procedure with an oral fluid collection (OFC) procedure. This Bill makes those amendments to the Police specific *Police Act 1998* and Police Regulations 2014.

SAPOL will source and purchase oral fluid screening (OFC) equipment that can detect the presence heroin and cocaine as well as the drugs covered by the *Road Traffic Act 1961* that are already tested for. The devices in use are approved by His Excellency the Governor pursuant to the *Road Traffic Act 1961*. For consistency and transparency, SAPOL proposes that any new device(s) for conducting OFC procedures would also be prescribed by regulation to be made by His Excellency the Governor, but pursuant to the *Police Act 1998* as this range of testing only applies to Police Officers and Cadets. The current drug testing procedure for Police Officers and Cadets uses the same oral fluid analysis apparatus used in the current 2nd stage of drug testing authorised by the Road Traffic Act. This apparatus will not be available in the future as the consumables have been discontinued from manufacture.

This circumstance has led to some of amendments contained in the Statutes Amendment (Drink and Drug Driving) Bill 2017 currently within Parliament. There is benefit in the *Police Act 1998* adopting the same procedure as it provides an immediate positive/negative result, minimises anxiety for members and supports immediate action being taken to ensure public safety and a safe workplace. When a positive indication to a test occurs, a series of administrative, investigational and likely disciplinary actions follow. This includes analysis by Forensic Science SA to confirm the results. SAPOL's Ethical and Professional Standards Branch co-ordinate this process with oversight of the Police Ombudsman and will continue to do so.

Section 41D (2) (e) of the *Police Act 1998* allows for apparatus used for drug and alcohol testing to be approved by His Excellency the Governor through regulation. The *Police Act 1998* describes the apparatus to be used for oral fluid drug testing within the definition of 'oral fluid analysis'. This is apparatus of a kind approved under the *Road Traffic Act 1963*. Removing the term and the definition of 'oral fluid analysis' will allow apparatus to be approved by His Excellency the Governor pursuant to the *Police Act 1998*. The apparatus is utilised only for Police Officers and Cadets and approval in this manner provides transparency in the process.

I commend the Bill.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Police Act 1998*

4—Amendment of section 41A—Interpretation

This clause amends section 41A to insert a definition of *drug screening test* and substitute a new definition of *oral fluid analysis*.

5—Amendment of section 41B—Drug and alcohol testing of members and cadets

This clause amends section 41B to so that police officers and police cadets can be required to submit to drug screening tests.

6—Amendment of section 41C—Drug and alcohol testing of applicants to SA Police

This clause amends section 41C so that persons applying to be police cadets and persons applying for other appointments to SA Police can be required to submit to drug screening tests.

Debate adjourned on motion of Mr Treloar.

EDUCATION AND CHILDREN'S SERVICES BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr GARDNER (Morialta) (16:10): In my introductory remarks before lunch, members might recall that I was reminding the house of the context, which involved many reports and reviews over

a long period of time, starting with the member for MacKillop's review when he was chairing that in the Olsen government era several premiers ago, several ministers ago, several CEOs ago and several departmental restructures ago.

When the minister in her explanation says that this is the most significant legislative reform in 40 years, or words to that effect, she of course does so confident in the knowledge that nothing has happened for the last 15 years, at least, that the government has been in place and that updating the act is something that could have been attended to some time ago. But now we are here updating the act, and we are very excited about it—five weeks from the end of this parliament.

I think I might have made a comment before lunch, but in case I did not I will make it now, that had this legislation been brought to the house in a timely manner, had the consultation document that went out at the end of last year gone out several months earlier, they could have had feedback by the end of last year. They could have introduced this bill in February or March, rather than in August—in the last sitting week before the winter break, with five sitting weeks after the break—then we would have had time to deal with amendments slowly and methodically and come to a landing that the whole parliament would have been very proud of. I hope we still have that opportunity.

I am looking forward to the minister engaging very positively, as she sometimes does, and hopefully we can deal with some of these points of contention. One of those reviews that I spoke about, a significant review that I think has had a lasting impact on the psyche of the people of South Australia, was the Debelle royal commission. The Debelle report makes a number of important statements, findings and recommendations that I fear the bill does not at the moment fully take into consideration and demonstrates a lack of understanding of some of the direction that Debelle was pushing the education department to take.

I am going to quote excerpts very selectively that highlight this issue because this is a very important document. As I said before lunch, ministers and the government were falling over themselves to say how strongly they were advocating it and how truthfully they were delivering on its recommendations. It is important to bring these things to the house's attention so that we can judge them against the bill that is before the house today.

We talked about the nature of governing councils and their relationship with the principal. Bruce Debelle, in relation to the functions of the principal, in paragraph 643 says:

> It is unnecessary to set out all the functions of the principal in council. It is sufficient to refer to the opening words of clauses 6 and 6.1 [of the Education Act].

He goes on to say:

> The functions of the Principal in Council are undertaken in the context of the Principal's joint responsibility with the Council for the governance of the school.
>
> 6.1 The Principal is answerable to the Chief Executive for providing educational leadership in the school and for other general responsibilities prescribed in the Act and Regulations.

> The opening words of both clauses 5 and 6 state that the governing council and the principal of the school are jointly responsible for governance of the school. Standing alone, those clauses suggest that the governing council has quite extensive powers. The word 'governance'…as has been noted, both the powers and functions of a governing council must be exercised in accordance with the legislation, administrative instructions and the constitution of the governing council.

Thereby limiting the governing council, whereas the principal in exercising powers is, of course, directed by the chief executive. As Australian Education Union v Chief Executive DECS (2007) pointed out, a functionary must comply with those instructions. At paragraph 644, Debelle states:

> The fact that a principal is answerable to the chief executive means that a principal is both accountable to the Chief Executive and is subject to the direction of the Chief Executive.

That is exactly what I just identified. Debelle goes on to say:

> In addition, it appears that the intention of Regulation 42(1)(b) is that the matters listed therein are matters that are excluded from the powers and functions of a governing council. In other words, the principal is at liberty to deal with any of those matters independently of the governing council. This is a further limitation upon the powers of the governing council.

Without quoting the next paragraph, it is clear that, while these are limitations on the powers of the governing council, that does not need to be a problem. In fact, partnerships between governing councils and principals jointly responsible for the governance of a school can be something that enriches a school community and provides strong advocacy and encourages vibrancy and accountability in that school community. It is very positive, potentially. However, governing councils' powers are currently limited, and the problem that we are addressing is that this bill will limit them further. Debelle goes on at 648 to point out:

> In addition to those limitations, section 96 of the Education Act [as it was] invests the Minister with power to issue administrative instructions to school councils.

And so it is in the new bill that we have us before us today, that similar administrative instructions can be put forward. At the time that Debelle was doing his inquiry, he identified that those instructions were lengthy and comprised 168 pages. Some of the powers that the minister had at that time included:

1. The Minister may direct a governing council to make amendments to its constitution.
2. The Minister has a discretion whether to approve an amendment to the constitution of a governing council.
3. The Minister has power to remove members of a school council for misconduct, failure or incapacity to carry out the duties of the office satisfactorily, or if irregularities have occurred in the conduct of the council, or for any other reasonable cause.
4. The Minister also has power to prohibit or restrict the exercise of the power of a governing council if, in the opinion of the Minister, it is necessary or desirable to do so.

This bill seeks to provide the minister with even further powers than those extensive powers. The point I make, and the point that Debelle makes, is that the minister's powers, the department's powers and the principal's powers are substantial in relation to governing councils. We want to encourage governing councils to take ownership and to feel ownership of their site so that parents can truly be represented in their school's deliberations.

Given the substantial powers that the minister, the department and the principal already have, why would we limit governing councils' powers further? Why would we reduce the scope of parental involvement in governing councils further than we already have? I think that there is a case that could be discussed about increasing the parental powers on governing councils from what we already have. What this bill does is diminish the powers of parents on governing councils.

It finally resolves, in Commissioner Debelle's comments, resolution of disputes and obtaining legal advice. Prior to lunch, I commented on the comments of SAASSO, the peak body for the governing council, on these matters. We will go back to Commissioner Debelle, and then I will leave the commissioner for the moment. In relation to resolution of disputes, at 654, Debelle states:

> It seems that clause 24 of the model constitution is intended to provide a mechanism for the resolution of disputes. It provides that a school must participate in a scheme for the resolution of disputes between the governing council and the principal as prescribed in administrative instructions. However…[they provide] no…mechanism for resolution of disputes [and there is no] other administrative instruction regulating the resolution of disputes. In the absence of [that]…it would seem, therefore, that if there were a dispute between the governing council and the principal of a school, the dispute could ultimately be resolved pursuant to an administrative instruction from the Minister. I do not think that is a satisfactory situation. It gives the Minister power to override what might be a very valid position on the part of the governing council. It is clearly necessary for an administrative instruction to be drafted to provide a suitable means of resolving disputes. The Inquiry heard evidence that on some occasions, disputes between the principal and the governing council have been resolved by mediation. That would be an appropriate dispute resolution process provided that the mediator is a person entirely independent of the Department.

As we heard before, the response to Debelle that is identified on the department's website—and I have not heard that it is not the most recent response—identifies an officer in the education department to whom governing councils can go to discuss this matter if they want this resolved. That is the department's response to this specific recommendation and that particularly describes why it is important that the mediator be independent. The government's response is to have a policy officer, and this bill entrenches that power differential, unfortunately.

I am not saying it cannot be fixed; I think it can be fixed reasonably easily, and I hope that matter will be resolved in the amendments we put forward. It may well be that there are some

examples that the minister can provide as to deficiencies in the current legislation, but I note that Debelle did not find those deficiencies and neither did the Pike review, as I quoted before lunch.

Debelle goes on to say in 655, in relation to obtaining legal advice (and this is the fund we discussed earlier):

> Should a dispute exist between the governing council and the Department, the governing council may wish to obtain legal advice. On occasions, a governing council has sought advice on a matter where there is no dispute with the Department. The Department has then arranged for the governing council to be advised by the Crown Solicitor's Office. That is a commendable process. However, should a dispute exist between a governing council and the Department, it might be necessary for the governing council to obtain independent legal advice elsewhere. The funds of a governing council are, generally speaking, very limited. In many cases, a governing council would not have sufficient funds to pay for the cost of legal advice. One witness gave evidence that at one school the members of the governing council themselves paid for independent legal advice. There will be many governing councils who would not be able to act in that way.

The report then identifies, in relation to the case at the heart of the Debelle inquiry:

> Had the Governing Council of [Largs Bay Primary School] been able to obtain access to independent legal advice, it would have quickly learned that there was no legal impediment to the sending of the letter to parents informing them of [Harvey's] conviction. The Governing Council could then have handed the legal opinion to the Department and in all likelihood, the Department would have sought advice whether the advice given to the Governing Council was correct. Had it done so, it would have quickly learned there was no reason in law why a letter could not have been sent to parents. The matter might have then resolved more quickly and more satisfactorily [for everybody].

That is why the opposition takes the words of Mr Debelle very seriously, but it is notable that the subsequent review of governance of schools, the Independent Review of Government School and Preschool Governance in South Australia by former minister Pike, makes some similar comments. On page 14 Pike writes:

> From time to time there may be disagreements between the school or preschool governing council and the department. Whilst every attempt should be made for the parties to reach a mutually agreed position there may be times when this is not successful. If such a matter becomes a dispute, it is best dealt with by mediation.

It then describes what mediation is, and goes on:

> On 23 December 2013, the Minister—

I assume, at the time, the now member for Wright—

> established an interim process for the engagement of mediation services where the governing council of a school is in dispute with the department. It was deemed to be an interim process, as it was intended to be the subject of consultation through this review.

The report then talks about how good mediation is, saying:

> A mediator cannot impose a decision upon the parties and it may be the case that an agreement is not able to be reached. In the instance where a dispute is unable to be resolved by mediation, further advice should be provided to councils about other avenues that may be available to them.
>
> If the governing council of a school is in dispute with the department, there may be a need for a governing council to access independent legal advice.
>
> On 23 December 2013, the Minister issued an administrative instruction specifying the process by which the governing council of a school can seek legal advice when in dispute with the department. The funding for any such legal advice will be drawn from existing departmental resources and will be automatic once the Crown Solicitor approves that the required criteria is met for the engagement of an independent legal practitioner. The Crown Solicitor is well placed to approve that independent legal advice be provided and that the department fund this advice.

It then goes on to talk about preschools, but I will mention it here rather than later:

> With respect to disputes between a preschool governing council and the department, it would also be appropriate to develop a dispute resolution procedure.

And so forth. For all those reasons, the opposition supports the activation, through amendments to this bill, of the original Debelle suggestions, at least, in relation to disputes, the restoration of the identification of a dispute mechanism in the governing council constitution into the bill, but we are happy to talk to the minister if she has another way to put dispute resolution into the act. We are unclear as to why this dispute resolution mechanism was taken out of the act in favour of other things, and I think it is suitable that it be restored.

In relation to the implementation of the Debelle review, the KPMG report—this predates the Pike report—the PwC and the KPMG reports, the then minister, the now member for Wright, brought in Peter Allen, the Deputy Dean of the Australia and New Zealand School of Governance, in September 2013 to do a further report. The Allen review identified a number of things about which, in retrospect, we might have a different view. I note in one paragraph on page 9, it said:

> The breadth of the department's responsibilities is without parallel in Australia, and now includes early childhood care and development services for South Australian families, including local family day care, preschool education, children's centres, out of school hours care programs, plus health and well being services that support parents, carers and children; South Australia's public education system, with the goal of delivering world class primary and secondary education in all areas of the curriculum; the facilities and infrastructure for children's centres, preschools, schools, and regional offices; and a departmental workforce of more than 28,000 employees.

Of course, that structure was found by a subsequent royal commission to be suboptimal, and we have moved on from there. We now have just a Department for Education and Child Development.

The Allen review identified that, in response to this brief, the department has committed itself to making it easier for families to access child health and development services, improving the safety and protection of children, establishing a focus on learning and achievement for young children and ensuring South Australia is recognised internationally as child friendly. I bring up this section because I note that the minister, in bringing this bill to the parliament has, in my view in quite a worthy manner, instituted a number of principles and objects that are in the act.

As the minister pointed out to me last week, there were no principles and objects in the initial act from 1972. It is the way legislation is written now. But there are some things that are not necessarily included in those principles and objects which might be obvious to include. It struck me that, when talking about the safety and protection of children, while that is fundamentally the purpose of the Department for Child Protection, we do have a duty of care to those children while they are in our schools as well, and I think that is something that would be worthy of having a discussion about at the committee stage.

The Allen review describes the 2012 KPMG report's findings. In particular, the review reported:

- confusion and inconsistency about the structures and committees that govern the department,
- a lack of transparency around decision making: information flows for decision making were unclear,
- committees and groups operating with no clear purpose, terms of reference or linkage to the DECD strategy. In many cases alignment with strategic business planning to drive delivery of new DECD responsibilities was unclear,
- a lack of formal discipline and processes in the conduct of (many) committees,
- roles and responsibilities relating to governance were unclear,
- silos and territorial approaches impacted on the approach to achieving DECD outcomes, and
- lack of clarity about information flows from committees to departmental leaders for decision making.

It is not the purpose of this bill to instruct the minister or, indeed, now more appropriately his chief executive, how to structure the education department, but I highlight this point, as we have asked a number of questions in estimates, and I am sure the minister will be getting an answer soon in relation to the structure of the education department. These are important questions, and the Allen review from 2013 identifies the importance of the structure of the department in understanding how those information flows and systems work.

Debelle talks about structure as well. In a department as large as this, with a complexity of arrangements between schools and staff—Education Act staff and Public Sector Act staff—and the department itself and all of its administrative units, and then the minister, it is important that we have a clear understanding of how that structure works. As I say, we are looking forward to receiving answers to those questions. In fact, the Allen review goes on to say:

> A conclusion of this review is that the department will be able to serve the government better by focussing on a manageable number of priorities to which meaningful and measurable progress indicators can be attached. Structure should follow function to foster alignment of effort in pursuit of government priorities.

And so forth. That was all part of the series of reviews that no doubt informed this act, and in some ways it did, and in some ways we hope it would do more. Let us go to the specific measures, and I will hopefully be able to do this in a way that we can finish the second reading at the prescribed time. We will do our best.

Starting with the first section, we mentioned briefly the objects and principles, which is clause 7 for those following at home. The new objects refer to public education being secular and culturally diverse. I am not objecting to those references at all, but they do not mention child wellbeing or safety, and I think that is worth noting.

Particularly, I note that the objects and principles at clause 7(1) state that the objects of this act include ensuring that education is of a high quality—that is good; we want to ensure that educational excellence is part of it—ensuring that children's services are of a high quality, ensuring the development of an accessible range of education and children's services that meet the needs of all groups in the community—that is fine—and then:

> …promoting the involvement of parents, persons other than parents who are responsible for children and other members of the community in the provision of education and children's services to children and students in this State.

I highlight that point because it is tremendously important. I think it goes to why some of our concerns about the bill need to be addressed later on. I look forward to that discussion in the committee stage. I note that a servant of the public has just sent me an SMS saying that he is watching at home, which is tremendously exciting. He is a Labor candidate for parliament, no less.

I move on to clause 4, the application of the act to non-government schools. The minister made a point to me last week, which I do not think she will mind me repeating, that the Minister for Education is the Minister for Education in South Australia, not just for public education. That is something with which I, and certainly we on the Liberal side, wholeheartedly agree. The minister can speak for herself going forward; that was the extent of her comment.

We do not want to reduce the scope of the autonomy of independent schools and Catholic schools from the system because, of course, they offer something different that many parents wish for their families in the choices they make for their families. We do not want to reduce that scope, but the act has many benefits for independent schools and Catholic schools, and those sectors appreciate being given the opportunity to have things in this act that help them as well.

Because there are significant sections of the act that deal just with public schooling, clause 4 identifies a series of provisions in this act that should apply only to government schools. Those sections may well all be suitable, but I identify to the minister that when we go through the committee I want to explore some issues that have been raised by a couple of constituents. They may well be matters that have been dealt with, but there are questions. Rather than my reading it here, it might be easier to go through it in more detail in committee. I will provide a copy of some of these points to the minister.

Fundamentally, there are three or four sections where we might want to explore whether or not the act should apply to non-government schools; some are in definitions and some are in relation to family conferences. In particular, I identify in advance the question of whether the family conference sections relating to truancy would relate to a student who is enrolled in a non-government school but who otherwise meets the threshold of truancy.

Of course, the law requires that there be attendance at a school. Just because a student is not enrolled in a public school but is instead enrolled at a non-government school does not mean that they should be exempt from truancy provisions. In relation to those aspects where the principal of a school is perhaps involved in a family conference, what is the interplay between this act and the non-government school sector? I think that is an area worthy of teasing out somewhat.

Clauses 8 to 15 and also clauses 66 to 68 deal with information sharing. In the minister's second reading explanation, she said that these are:

> …new provisions to enable improved sharing of information between schools, parents, the department and other state authorities to support the education, health, safety and wellbeing of children.

Clauses 66 to 68 provide an opportunity for the compulsion of the provision of that information about the child, which can potentially be with or without the parents' consent. Of course, in child protection matters one can imagine quite easily why that might be necessary. Therefore, at this stage we do not propose any amendments to those provisions and we see them as being a positive inclusion.

Clauses 16 to 34 deal with preschools and children's centres. I will give the minister, in her second reading speech perhaps, an invitation to respond to a concern that has been put to me about preschool staffing and leadership. There is a suggestion that there is what has been described to me as a secretive DECD working party that is promoting a new model of preschool leadership causing widespread consternation. The working party apparently includes the Early Childhood Development Strategy team. There is an interim evaluation report that makes reference to some of these works.

The suggestion is that there is a new model being developed intended to refocus children's centres away from education and towards health services and health professionals. Clause 121 of the proposed bill provides:

> …a person may be employed under this section to provide health, social or other non-education services in relation to schools and children's services centres.

I invite the minister to advise in her response whether she has been briefed on these suggestions and what guarantees she can give to concerned staff that existing well-based qualifications and classifications will be maintained. That has been a request that has been put to me, and indeed I did give the minister some notice of it last week, and the minister yesterday was kind enough to write to me confirming:

> The Teachers Registration and Standards Act 2004 requires a school principal, preschool director or teacher at a school, preschool or prescribed service to hold teacher registration. Accordingly, any teaching or leadership position in a school, preschool or children's centre that leads or is responsible for education delivery must be held by a registered teacher.

If the minister feels that there is anything that she needs to add to that, then I invite her to do that in her second reading response, or otherwise we can tease it out in the committee.

Further, in relation to preschools and children's centres, I note that this effectively will be bringing into some consistency the government's preschool models with school models. These would be the stand-alone preschools, those not operating as part of a school. There are some slight differences that probably need to be taken into account. I put forward some of the comments that former minister Pike made in her report on page 11 in the Independent Review of School and Preschool Governance in South Australia, where she said:

> Involvement in preschool governance is highly valued and often leads to a further governance role in schools or other community organisations. There are some special factors that complicate governance and present challenges for standalone public preschools.
>
> Many parents are only connected to the preschool for 12 months as that is the period of their children's enrolment. This means that there is often a new and possibly inexperienced preschool governing council each year. By the time the new members learn their roles and responsibilities the year could be well underway.

It further goes on to talk about dispute resolution processes needed for both preschools and governing councils. Some of the feedback the Pike review received from members of preschool governing councils and others who submitted to that review identified that it was a significant benefit, encouraging parental involvement through family-focused activities, providing opportunities to connect and build positive relationships outside the usual drop-off and pick-up context, providing a welcoming environment within the preschool, handling issues with transparency and a mutual willingness to contribute ideas.

Clearly, we want to have modern, suitable opportunities for governance for preschools; however, some things we take for granted in schools. Often people on governing councils at schools, if they have two children at the school a couple of years apart, have done more than 10 years on governing councils. On one governing council I have been involved with the chair was the chair for eight years and did that role terrifically well and remained passionate. It is much harder for preschools to have that body of knowledge kept for a lengthy period of time if a child is there for one year or, particularly if there are siblings, a couple of years.

I think there may well be an opportunity where we could be a bit more flexible with the governing council arrangements for preschools. Broadly, at this stage the opposition does not propose any amendments to these clauses. However, I do note that, as we are going to be in committee in about two or three weeks' time, subsequently there may be other suggestions to the Legislative Council. I am not the fount of all wisdom. We may well consider other things. The government may propose amendments, and that is fine as well. So we may potentially come to a nuanced position, but at this stage we are not proposing any amendments.

We then move on to clause 35, which mirrors clause 83—Corporal punishment prohibited. I want to comment on this a little bit because at the risk of being controversial—not very controversial, probably—it is an issue that I am quite concerned about. According to clause 83:

(1) Corporal punishment (however described) must not be imposed on a student.

(2) The Chief Executive must take all reasonable steps to ensure that principals, officers of the teaching service and all other persons employed in, or in relation to, Government schools comply with [that section].

(3) For the purposes of the Criminal Law Consolidation Act 1935

, corporal punishment will be taken not to amount to conduct that lies within limits of what would be generally accepted in the community as normal incidents of social interaction or community life.

That may well be necessary for the Criminal Law Consolidation Act. In my view, this is very important to go into the act. It was not in the act before, as far as I am aware. It has been a practice and policy across all government and non-government sites for a very long time. I say 'a very long time', but we are talking about a couple of decades. I was talking to somebody two days ago who was recounting experiences of coping a severe beating by a prefect at their school—not even a staff member, but a prefect.

That person was in their 70s, and it has been a long time since that took place, but it is not that long ago. It is within the lifetime of people who are coming to have lunch with members of parliament to talk about their issues. That is appalling. It left a scar on their relationship with their school and they completely disconnected with their education. It had appalling effects. I am not raising issues in relation to discipline within the home, as that is a whole other question. But within the school environment, when a parent entrusts a child to attend a school, there is a duty of care that we now respect, and it is tremendously important that we do.

It was not that long ago. I was in primary school at a time when the ruler over the wrist was still a common occurrence for turning up 10 minutes late to school. This did not happen in my case—I am going to take the opportunity not to incriminate myself in this, but let us say that I am talking about a friend. I am certainly not going to besmirch my parents, because my mother would never have allowed this to happen.

Let's say that there was a family situation going on in the morning and the master of the school, to apply consistency, gives a child three whacks around the wrist with a wooden ruler. I am 38 years old; it is really not that long ago that this was considered not just acceptable but a fair way of going about your business. It is not. It does not add anything to a child's education. It is not something of benefit, and I am very pleased to see it in the legislation. So much for corporal punishment.

I have already spent some time on the governance of schools so I do not want to re-tread all of the old ground, but I might raise a couple of new issues that I did not dwell on before. Again, these might be issues the minister might take on board and think about in the second reading response, or potentially have amendments that she might contemplate that we might look at. We will certainly ask some question.

There is a relationship between associated committees, whether it is parents and friends groups at school, or it might be the rowing club at the school, or it might be the uniform body at the school. Those are quite different bodies, but a suggestion has been put to me by one interested person who knows a bit about the area: this new bill, if enacted in its current form, would treat all of those bodies in the same way as subsidiary bodies of the governing council, whereas they might actually see themselves as independent.

Indeed, I believe at the moment an associated body, whether it is parents and friends, certainly a uniform committee, would usually be a function of the governing council. A parents and friends would probably not. It might be formed by a group of parents with the permission of the principal. I am not making this as a bold claim. I would be interested in the minister's advice and her response, if she would like to, or we can come back to it in the committee stage to explore it further. If this new act did just mean that those affiliated committees were subsidiaries of governing councils, then I think that would be potentially problematic.

We would like to explore that a bit further later on because I think the work of parents and friends and fundraising groups in schools is different from the work of governing councils. It is a different set of skills, and quite frankly it is often a different set of interests. I have been on governing councils where the governing council has wanted to form a fundraising subgroup but the people who were interested in that work were not necessarily involved with the governing council group of people. There can be quite good reasons why those things should be kept separate, but we can explore that further. I do not think it is going to unnecessarily detain us too long.

In relation to the governing council matters, I spent some time on it earlier. I indicate that the opposition will be looking at an amendment to effectively limit the minister's powers in relation to governing councils to what the minister has at the moment and not extended in the way that this bill potentially does. We invite the minister to identify reasons why some of the extensions of power have been presented. For example, the minister has a power in this bill to appoint members to governing council outside of that council's institutions.

It has been suggested to me in relation to that particular point that it might just be limited to a couple of clauses where the minister could appoint somebody. It is not an unfettered power, only related specifically to clause 38(3)(b) where an appointment may be made following the failure of an election on the basis that the school constitution may or may not have foreseen such circumstances or clause 17(2) which allows the minister to appoint persons to represent preschool kids in the case where a school-based preschool is established in relation to an existing school; that is, the council has expanded to ensure that the preschool is represented. If that is the case, then that might not be so stressful, but we would like that issue clarified.

In the current act, as I said before, there is clear provision at 84(1)(a)(i) of the current act that parents comprise the majority of members, except in an adult education school, and then again at 84(1)(a)(iv) that the presiding member not be a member of the staff of the school or a person employed in an administrative unit for which the minister is responsible. At least for the school governing councils our position intends to restore these provisions from the current act, and we will put forward amendments to do so.

I invite the minister again, if there are reasons for these current requirements to be removed, to feel free to put those forward. Clause 38(3) allows the minister to make appointments to governing councils and for the council to ignore the parent majority rule if insufficient parents nominate. The application of this clause has two matters identified. There can be a supplementary election or the minister can appoint.

What I believe happens at the moment, and I will need to check whether this is in the act or the regulations or just in practice, is that if a supplementary election does not provide the outcome, then the governing council itself can appoint people to the governing council. That may well be a function of the governing council constitution. What I do not want to see is a situation where parents feel that their rights through their governing council body, either to elect through a supplementary election or appoint to themselves through the governing council, are superseded by a ministerial appointment.

We identified some cases before where there were disputes between governing councils and departments, governing councils and ministers, for political decisions, whether that is the forced amalgamations or whether that is the situation described in Debelle or elsewhere. We do not want a situation where if there is a casual vacancy there a governing council feels like they can have someone imposed on them by the person or the department with which they are having a dispute.

We would be looking to do some sort of amendment there to at least require that the supplementary election must take place first, before allowing the provisions of the ministerial

appointment. We will possibly even look at putting in the legislation that the governing council can itself nominate people in the case where a supplementary election does not provide any nominations.

Clauses 40(1) and 40(2) impose $20,000 fines for a failure to disclose a conflict of interest by parents. It has been pointed out to me by some advocates that these are double similar fines in relation to failure to declare serious issues affecting other classes of people or making false statements to the Teachers Registration Board, for example. On investigation, I am told that the $20,000 was chosen for the sake of consistency with such offences in other acts. The amount was chosen following the changes to the Public Sector (Honesty and Accountability) Act in 2009.

However, there are other examples, a couple of which I have just identified, where the numbers are different ($10,000). I think that a court would probably be able to figure out that the parliament does not necessarily mean $20,000 in all cases; that is what courts do. We do not propose any change here, but I note for the record that we do not see that these offences should necessarily be double the others. I think that the remedy is maybe to update the other offences rather than to change this suggestion.

In clause 48, there is a new set of powers that allows the minister to give broad directions to governing councils. We raised this with the minister last week and were advised—I do not want to put words in her mouth unfairly; she can correct me if I get this wrong—that this would be to deal with certain disciplinary situations. We are not convinced at this stage that there are clear examples of why these powers are necessary in addition to the other powers that a minister already has.

I am concerned that, again in the Debelle case, this clause would have meant that certain governing council members might have been removed because of the poor advice that the department was giving about what was appropriate behaviour by a governing council in relation to the sending of a letter or the distribution of material. The minister at the time, who is no longer in this parliament, certainly took a very dim view of what subsequently became accepted practice of providing information to the community about a child sexual assault.

I do not want to go over old ground, but it is clear to me that there are cases where a minister—not this minister but other ministers—might not behave with the best intent or the best advice. A minister might use the power provided or proposed under clause 48 to discipline a governing council member who is actually doing nothing wrong but is held by a minister operating on poor advice to be doing something wrong. I do not know that this power is necessary. If the minister has some examples of how it might be used or necessary, then maybe we can come to a compromise, but at the moment the opposition is not minded to support it.

Clauses 50 and 51 seem to broaden the powers of the minister to suspend a governing council beyond what the act currently allows. The current act allows the minister to prohibit or restrict the exercise of a specified power or the performance of a specified function for a specified period. I am not sure that needs to be broadened, so we will be looking at amendments to effectively keep the current arrangements within the context of the new bill. I think we have gone over the dispute mechanism and the governing council legal fund more than adequately, so I will move on from the governance issues. Important as they are, I think two hours on them is probably enough.

School amalgamations and closures are dealt with in clauses 52 to 56. Broadly, these are the same as existing powers. There is a new rule at clause 54(4) that if the review does not report on time—and there is a minimum three-month time limit in the preceding clause, from memory—then it is taken to be recommending the closure or amalgamation. This is to ensure that the review body does not unnecessarily delay matters as a tactic to stop the report from coming in.

I did think of one example where this might be problematic, and again we are going back to that 2011 situation where there were 20 or 25 reviews happening at the same time and many of the ministerial appointments to those reviews were potentially the same people. It was possible on those occasions that those reviews might have been delayed by the people who were actually seeking to close the school. Having the delay producing that outcome might potentially be a tactic on the other side as well, but I think the political negative consequences of anyone taking that track would be quite profound. So I am happy to look at any amendments that others might suggest, but I do not think that they are very necessary.

In relation to the next section, 57 to 64, to do with special schools, this area is largely similar to the existing act and the regulations, or at least in practice. At clause 63, there are some new provisions in relation to the powers of the chief executive being able to direct that a child be enrolled in a particular school. In particular, it seems to remove existing references to consulting parents in section 75A of the current act.

I acknowledge that the minister, in relation to this matter which we discussed with her last week, wrote to me saying, 'I am open to considering how consultation should occur under this power and will provide you with a government amendment in due course.' I am very pleased to see that and I thank the minister for that response. We are happy to look at the government's amendment and we will offer our own and maybe we can split the difference and see how we go. I think we are of one mind on this issue but, given that it made its way into the original bill, I think it is important that I spend a moment on it.

I am no expert in this area. I had about a year as the shadow minister for disabilities, which was a tremendously important time in my understanding of this tremendously broad and diverse section of the community that has many different needs and many different opportunities and abilities. I spent some tremendous afternoons, mornings and weekends with people in this community. I am particularly thinking about parents here. A very special group of people are those parents of children with disabilities who have a love for a child and are presented with challenges that most parents do not have, particularly in relation to certain services or opportunities to ensure that their child achieves everything that they can in life and truly fulfils their potential in every way.

Traditionally, there was a maze for a parent of a child with a disability, who needed special support services. We hope the National Disability Insurance Scheme will assist in many ways in bringing this forward. When it comes to education, there are again challenges. We have education centres, which used to be called special schools, and we have special classes, special units in schools and the provision of those services is important.

In the last couple of weeks, I have seen a couple of extraordinary success stories in the public system. I will single out Murray Bridge High School because the head of the Disability Unit has been nominated for an international teaching award, and we wish her well. It is amazing to see the passion and how hard the families of students with disabilities work to get the best outcome for their child. The capacity for those families and, where possible, the child with a disability to have the authority and autonomy to make decisions that are in their own best interests and their family's best interests is tremendously important.

There could be circumstances in which the power described in the act for the chief executive to make very difficult decisions might need to be put into place, but it would only be done in limited circumstances. It is not something we would like to do. It is absolutely necessary in this day and age that the parents be involved in that decision, even when it is a decision that they might not necessarily support. There are circumstances in which the chief executive might be forced to make that decision. There must be a mechanism whereby the parents have the opportunity to have a say, as they do in the current act.

Moving onto adult students very briefly, dealt with in clause 65, I am not aware of any urgent need for us to amend that provision. Clauses 69 to 76 deal with compulsory enrolment, attendance and truancy. I have previously brought to the house's attention the need for us to clarify how these family conference issues operate with non-government schools. I should say that the family conferences introduced under this act are along the lines that we in the Liberal Party talked about needing to see more of, particularly when we released our truancy policy last year, so we are pleased to see this described in the bill.

Obviously, there are some things that are identified as being the chief executive's responsibilities in calling these conferences. In practice, that would of course be done as a delegated power, I would assume, to principals or attendance officers. I note that the Liberal Party truancy policy would increase by 50 per cent the number of attendance officers working in our schools, which will fit in very well with this provision in the bill, so we are very pleased to see it.

There is long history in relation to these truancy issues. In my introductory remarks, I suggested some of the background to these measures in the bill. Certainly, when this bill was first

talked about by the current minister, it was in the context of truancy being a topic of public interest. The minister suggested that a review of the whole Education Act would include improvements to the truancy provisions. I do not want to split hairs, but there are some slight differences between what the Liberal Party has proposed in changes to the truancy legislation and what the government has proposed, but broadly it is now heading in the same direction. We might look at some details, but I do not see any wholesale amendments to the provisions from 69 to 76, and there may even be none.

However, we do have a problem with the idea of these fines being expiable, and I will explain why. The fine is to be increased by this legislation, but most parents are not going be impacted by this measure. The impact of the truancy fine is to deal with a small cohort of parents, to get their attention to ensure that this is a serious matter. The previous fine had not been increased for about a decade, and the increase a decade ago was from a very small amount that had not been increased in 20 years. Even going with inflation over the last 30 years, the fine for a truancy offence that is proposed in this bill is probably about the mark of where it was 30 or 40 years ago.

The point is that there has to be a stick that goes with the carrot for the benefit of the child going to school. If the child does not go to school, and you are not interested in engaging with the school, and you are not interested in taking steps to talk about getting your child back to school, then a court might be paying attention to you, and there is a reason you want to pay attention to that, and that is the fine. The family conference is where the action is. The family conference is bringing together the stakeholders, the relevant professionals who will find ways to get a child back to school.

Having an expiation notice for the fine I think undermines the good work altogether because the consequence of a child not being at school for five or 10 days over the course of the term is an expiation notice up to the value of $750, as this legislation proposes at clause 140(2)(y). An expiation notice is a blunt instrument. It is an instrument that can be applied to a family when their child does not come to school. It is applied because it is easier to do an expiation notice than the family conference setting.

The family conference setting is a complex matter that involves bringing a whole group of people together. It involves bringing in the student, potentially—and their family might have had severe difficulties with the school in the past—and working through a solution to find out what we need to do to get this child to school. That is a complex mechanism, and it is one that we absolutely support and that we need to resource, one that the Liberal Party wants to work with. That is why we are putting more resources in our policies into attendance officers.

However, rather than going through all that hassle, a school staff member is provided with the opportunity to instead apply an expiation notice and say, 'Okay, the family needs to do that.' I think the minister, in answering a question from the member for Florey earlier this year, suggested that it would certainly get her attention, and I imagine it would. The thing is that these families are not in the situation of a minister of the Crown, and an expiation notice of $750 might be a blunt instrument that might get the issue to the attention and the eyes of the principal of the school on that day but is not going to do anything to solve the problem.

Here is the thing: a $5,000 fine would be rarely applied. A $5,000 fine would be applied only if there were a court setting that found that was the response necessary. Even going through the process of taking the family to court is, in itself, an intervention. It is more valuable, and a court would be likely to impose the level set at the same level as the expiation notice, but the court intervention itself is of more benefit than just providing the expiation notice. The fact that a person might be forced to go to court makes them far more likely to involve themselves in the mediation session. Having an expiation notice takes that away.

In our view, the expiation notice is of no value in dealing with these truancy issues, and so the opposition will be seeking amendments that will remove the expiation notice. We take truancy very seriously. The loss of time from a child's education through being absent from school for five or 10 days a term is quite profound, and it leads to problems in later life. We have identified, coronial inquest after coronial inquest into child deaths or neglect, where truancy has been a warning, a flashing beacon, and we need to be paying attention to this and identify it.

According to reports in *The Advertiser*, in February this year the department identified that in the past three school years there were 4,945 chronic truancy referrals, almost 5,000 chronic truancy

referrals. Talking about a noticeable percentage of the school population in South Australia, these are children who are not just losing out educationally. There are also potentially very serious issues going on that need to be addressed. An expiation notice is not going to address those.

We have an extraordinary backlog in the fines payment unit already, and I am not sure it is going to get any money for the state. I cannot imagine for a second that is its purpose. I think the expiation notice is a lazy approach to truancy. What we need is more attendance officers working with the model in the act—which is actually quite a positive thing—more attendance officers working through these family conferences, addressing the needs of those families and having a zero tolerance attitude to this but one that also acknowledges there are issues in those families that we can address if only we give them the time.

Before I get onto clauses 77 to 81, which deal with suspensions, exclusions and expulsions, I will just say that this should not be a surprise. We announced that we were opposed to expiation notices for truancy offences over a year ago when we announced our truancy policy, yet they are still here in the legislation. Going back to one more thing on truancy that I think needs to be noted, for some time there was a discussion about this provision, where somebody might be prosecuted for a truancy-related offence, that the defence clause in the act was too loose and allowing parents who did not want to engage to get away with not engaging just by saying that they had given it a crack but the kid would not listen. It was suggested that there were no truancy prosecutions worth pursuing because that defence was too easy.

When the minister, after significant public provocation, I might say—from myself encouraging people to do so, as well as others over a period of time—took to suggesting prosecutions to the DPP, it is notable that those prosecutions succeeded, despite the defence clause in the act at the moment. In one of those cases, I believe the parent in question might have been employing their son as a 14-year-old apprentice, which is clearly too young, and the defence might have been difficult. Clearly, the prosecution was attainable under the old act; it is just that the government did not want to do it, did not want to have a crack. However, clause 69(4) is a slight amendment to the current rules, and at the moment we are minded to support the suggestion going forward.

In relation to suspensions, exclusions and expulsions, again this is an important issue that needs serious work to be put into it. Close to 1,000 public school students were suspended multiple times in a single term, and we are talking about term 2 last year. There were 3,773 students suspended in term 2 last year, 925 (around a quarter) were barred from school at least twice for reasons ranging from violent attacks to not paying attention in class. I quote from a story from 28 May this year in *The Advertiser* by Tim Williams, who I think is a very fair and erudite education reporter. He is clearly very passionate about the best interests of our children, as demonstrated by his passion for these areas over an extended period of time.

We will get to violence in a moment because there are some issues related to that that are worth touching on. These suspensions need to be taken seriously, and principals need to have supports in place. It is worth noting that I received this last week. We have these Better Behaviour Centres where students might be excluded from a school, but they have to go somewhere because we need to educate them. We do not want it just to be a case where a student seeks exclusion from school because they want to stay at home. Consequently, we have these Better Behaviour Centres.

For the record, we have been asking for some time, and we have received now, an identification of how much capacity we currently have in Better Behaviour Centres. Across the whole system there is a capacity for 229 students, and on 30 June this year there were 192 students in those places. Port Lincoln High School, with a capacity of 15, had 17 students in the centre on that day. In all the other centres, there were between two and eight spaces available.

It is very important that the principals who think that suspension or exclusion is the appropriate course of action not be turned away from that idea by the idea that there is insufficient room in the Better Behaviour Centres. We know that the room at these centres fluctuates significantly. A student might be there for only a week if it is a week's exclusion, or they might be there for two terms. That fluctuates, and we need to keep an eye on this area to make sure there is sufficient capacity. I am pleased that on 30 June, at least, it appears that there was sufficient capacity on that day. This section largely replicates the current provision in the act and the regulations in

practice, as far as we can tell. While we remain open, as always, to amendments, we do not propose any at this stage.

There is an area here in relation to intercultural and religious instruction. This is a substantial expansion on the current act, and it is an area that has caused a little bit of consternation in the community in recent times—not necessarily this act itself. Although, as I will explain, it connects to some other issues that have been causing some concern in the community. Section 102 of the current act deals with this matter quite briefly:

> (1) Regular provision shall be made for religious education at a Government school, under such conditions as may be prescribed, at times during which the school is open for instruction.
>
> (2) The regulations shall include provision for permission to be granted for exemption from religious education on conscientious grounds.

The regulations ensure that if a student is conscientiously not attending, then there will be other things for them to do.

The new section, clause 82, is quite a significant enlargement of that section. I suppose the question that I would put to the minister to consider is: why? As shadow education minister over the last year and a half, I have had a couple of constituents from around South Australia express concern that there was an example of a specific seminar that their child should have been excluded from but they were not. Of course, if the current act had been applied as it is supposed to be, then they would not have had any troubles. The point is that I think I have had one constituent raise with me the issue of there being religious instruction in schools.

I think it is very useful for children to understand their culture and where our community comes from. I also think that there are school communities in the public system that have significant proportions of families who like to see this in their schools. It is important for schools to have a fair amount of say in what happens at their schools and, ultimately, the decision must be with the parents. No child should be forced into a situation where they are being proselytised to, and certainly not against the will of their parents. That is to be clear.

What I would ask is: what is the issue that has so driven the government to think that there is a harm that needs to be addressed by having this much broader section in the new act? I have not seen it. I have not been presented with that scope of evidence. There are some people who absolutely do not see any place for religion in our society, let alone in our schools, and that is fine. You can argue that point of view, but I do not think that is the point of view that the government wants to argue. We have spent the last three months with the minister protesting until she is hoarse in the throat, and that is not meant derogatively at all.

She would say herself that she has spent more time than she would have liked arguing that there are going to be Christmas carols, but there is a reason why people are concerned that the Christmas carols might be removed; actually, there are several reasons. Let me start with the minister's own words in describing what happened. At the end of the Christmas carol discussion, around the time *Media Watch* was being critical of people for putting this forward, minister Close was on the Ali Clarke show on ABC radio. Ms Clarke said:

> I just want to quickly question you as we change tack a little bit about a three line, four line, press release you put out yesterday about 'Christmas carols will not be banned in South Australian schools.' Why did you…feel you needed to do that?

I will quote the minister. She said:

> Well we had a draft policy that was being consulted on, I hadn't seen it before it went out, and it was written in a slightly ambiguous way. The author absolutely intended to say that we wouldn't be in any way seeking to control Christmas carols. But the Liberal Opposition decided that this is something that could be quite entertaining in the media, and it's been massively successful for them, on that perspective, because they managed to set a hare running, suggesting that we were going to ban Christmas carols which is completely ludicrous. I would never do that, and the Department would never do that and no school would do that…

That is just not the case, frankly, but we will move on. The minister went on to say:

> Principals are very sensible people and they wouldn't stand any such nonsense like that. So we—

Then David Bevan, who I understand is listening to the broadcast constantly, interrupted, 'Well, where do they get—' and then minister Close said, 'So we just need—' and then it is unclear. Then Bevan said, 'What was it in the bureaucracy? What was the email that gave them any foothold on this?' Minister Close said:

> It was a draft policy that was being consulted on, on how we manage the fact that our schools are secular. So we don't have religion as a doctrinal lesson in our schools in the way that you might experience in, say, a Lutheran school or a Catholic school. And all it's noting was that we don't regulate Christmas carols, so I think that they were trying to be helpful, I think they were trying to say 'this has nothing to do with Christmas carols'.

This is the really important part that I think gives a sign that the minister was not being entirely straightforward in her press release the day before, and we will get to that. The minister went on to say:

> But they didn't write it spectacularly clearly, and when I saw it I said, 'well we won't be going out with a policy that looks anything like this'.

On 31 August, the Minister for Education said, in relation to the policy in relation to Christmas carols:

> …when I saw it I said, 'well we won't be going out with a policy that looks anything like this'.

I note that, when this became an issue in the public media, the minister was falling over herself, and getting the department to fall over themselves, to say that this was all a pack of nonsense, that the policy itself was not suggesting any such thing and the policy was fine.

Yet the minister, on 31 August, when her repeated claims had not convinced anyone that the policy was okay, steps back and says that she saw the policy and said, 'We won't be going out with a policy that looks anything like this.' The Minister for Education went on to say that 'they certainly had no intention and to suggest otherwise really is a bit of mischief-making. Of course, everyone loves the idea that someone is trying to ban something that people love'.

Members would be familiar with the back and forth that was happening for quite some time. I put on the public record that I was concerned that the draft policy had a clause in it that was unsatisfactory. In fact, I will quote from what I said:

> The State Liberals have called on the Weatherill Labor Government to abandon a draft schools procedure that could see Christmas carols banned in SA public schools. 'Christmas carols have long been sung at many schools across South Australia as part of their end of year celebrations,' [I said]...'It's not for every school, but school communities are the ones who should determine whether or not they take place—not the government.'
>
> The draft 'Religious Procedures in Government Schools' document, currently being considered by the Government, clarifies a range of procedures relating to pastors in schools, religious education and religious seminars. For the first time the revised document refers to Christmas carols, saying—

I am quoting from the document that the government put out, wrote and distributed—

> 'DECD schools are secular and therefore Christmas carols, singing and performing, for example, is not regulated by the department. There are clear policy requirements to ensure that schools are not involved in promoting a commitment to a specific set of religious beliefs.'

I went on to say:

> This is a classic case of government overreach—creating rules to restrict behaviour where there's just no need for the government to be involved. If schools want to have carols we should be clear in the guidelines that they should be allowed to have carols. Or else don't put in a reference to carols in the guidelines at all! Proceeding with this change would be the act of a politically-correct Christmas grinch.

Which I thought was a fairly fair way of putting the argument. Do you know why I think it was fairly fair? Because the minister some months later said that when she saw the policy I referred to she said to herself, 'We won't be going out with a policy that looks anything like this.'

If that was what the minister said at the time when she saw the policy, rather than saying, 'We are not going out with this policy because clearly it is wrong,' why instead did she say, 'It is just in the delusional minds of the shadow minister and the Liberal Party that anyone could possibly read into that'? That is what she said, and then six weeks later, when she had not convinced anybody, she said, 'No, I always thought the policy was rubbish.'

The day before she said that she put out a press release saying, 'There has never been a ban on Christmas carols in South Australian schools. There never will be a ban on Christmas carols in South Australian schools. This idea only exists in the fevered imaginations of the Liberal Party.' It is quite pithy. It was very well received and it got tweeted very well. The echo chamber loved it.

Again, there is a problem though. She said on 30 August that the idea only exists in the fevered imaginations of the Liberal Party. I wonder if anyone else's fevered imagination had the idea that her policy could have banned Christmas carols, because I know somebody else who thought that that policy could have had some severe problems. I know because the Minister for Education herself said so the following day. When she saw that policy she said, 'No, we won't be going out with a policy that looks anything like that. That's confusing. That's going to be a problem for people.'

The minister is better than making derogatory remarks suggesting mental health problems, fevered imaginations and delusional capacity. The minister is better than that. I find it hard to believe that she herself would write anything like those suggestions. I would like to think that it is not in her nature. I think she allowed her name to be put on a press release that was written by some smart alec in the minister's office or the media unit who said, 'Put this out. It will put the story to bed.' It has not put the story to bed. It got another couple of weeks' run to the point where the minister was so infuriated by it all that she had to put into her second reading speech that this bill was not going to ban Christmas carols.

It does not do anything to protect Christmas carols, by the way. We know that this minister loves Christmas carols. We know that her family loves going to them and she has said that on the public record so many times that I absolutely believe her, but what if one of the other fine members of parliament we see opposite gets the opportunity to be Minister for Education at some stage in the next six months.

Members interjecting:

Mr GARDNER: I have confidence—

The DEPUTY SPEAKER: I beg your pardon. It is unparliamentary.

Mr GARDNER: I have confidence.

The DEPUTY SPEAKER: No, I am not going to have this. I am not going to have this chitchat back across the table, particularly when we are on air. Back to the topic, please. You are not in your place, member for Newland, and you are only just in your new place, minister, so just behave.

Mr GARDNER: I have confidence that the member for Newland himself—and I do not refer to his interjection, obviously—

The DEPUTY SPEAKER: Just as well.

Mr GARDNER: I am instead referring to my source material when I was commenting that the minister is there by dint of the appointment of the Premier's goodwill. This government still has another five and a half months to run, so any of these fine people could be the minister for education, at least for a couple of months. There is Christmas between now and the election, and if the Minister for Education is not holding that portfolio come December I fear what might happen if one of these others gets there.

We have seen what Labor ministers for education do interstate. We have seen what Labor ministers for education in Victoria and Queensland do. There is a reason that people were concerned when a Labor government's education department was putting out policies which, for the first time, identify Christmas carols in a document containing things that schools cannot do. Of course people were going to be concerned.

All we asked for on that first day was for the minister to come out and clearly rule it out and say, 'We're not going ahead with this policy,' which she has now said she thought as soon as she read the policy. But, she spent two months saying it was just fevered imagination that made people concerned about Christmas carols. She could have dealt with this on day one; instead it was drawn out for two months. If she is not there as the minister, the current policy as suggested—this bill does nothing to protect Christmas carols in public schools.

That is fine, because one good thing has happened. At the briefing last week, the minister confirmed what she said on the radio: this policy is not going ahead. That is a win for public schools. I am not sure that if attention had not been drawn to this issue this policy would not go ahead, because the minister had not even read it until attention was drawn to it. The minister might say she was protecting Christmas carols, but what was she doing to protect Christmas carols?

The minister let this document go out for public consultation, which clearly put them in an ambiguous position, which she says is so suboptimal that she does not want it to go forward so she cancelled the revised document. I asked her last week, 'What has happened to the original document?' because this was a revised redraft of an existing provision about religions in public schools. There is an education department policy outlining what happens with religion in public schools that this draft was supposed to replace. The minister said—and she can correct me if I am wrong—'Well, that has been suspended.'

There is currently no document identifying the rules around the utilisation of religion in public schools. Currently, the only provisions are in the act, and I read those out earlier. Those provisions allow for conscientious objections, and do you know what? The sky has not fallen down. Things are going fine. Schools are operating, led by their principals and governing councils, in a perfectly satisfactory way.

This brings me back to clause 82 in this bill. Why do we need these changes? Why do we need a reversal of the onus from conscientious objection to a parent having to identify their child is allowed to be in school and part of the religious activity out of school? Why does this need to be an opt-in that might alienate groups of children who feel that way inclined?

There are strict provisions in the department practice that if a child is conscientiously objecting and they do not want to be a part of the activities, then they must be given meaningful, useful things to do. If those are not in place—there are a couple of examples where parents have suggested that the school did not operate in the right way in relation to their child—then we need to address that. But I do not see any benefit in upending the process the way it is at the moment. While most of the new clause 82 is fairly benign, and even positive, we have some questions about it. At clause 82(2), we indicate that we have a suggestion that the status quo might be a better way forward.

I will move on from Christmas carols, as I am sure the minister wishes to do, and I am happy to do as well. I am satisfied that for as long as she is there, we are fine on Christmas carols. For as long as there is no compulsion that people have to attend Christmas carols, then I think we are fine. There are no protections, but I hope we will be fine. We will have a look at it between the houses if there is more.

I will move on to student exchange programs at clauses 84 to 89. I note that quite a lot of work is being done in this area in the department, and I commend it and the people doing it. They have had some improvements in recent years and they are commendable. As of 2015, there are 1,177 Visa 571 students commencing the SACE; in 2016, 1,326. Schools get a benefit from these students.

There is a challenge when it comes to enrolments, and obviously some of the schools that are popular for these students are also popular for local students, so that is a tension we must manage. By and large, these students coming in provide both an intercultural and financial advantage to the schools and students who go there. They pay money to the South Australian government (the department) but most of that benefits the school and then there are some that administers the unit. These clauses 84 to 89 seem laudable.

I have a bit of an interest. We receive these details about the numbers of students commencing the SACE with a Visa 571 as a result of an estimates question. I am particularly interested also, as I will identify to the minister and she can answer it in her second reading or elsewhere, part of that question was also not only in relation to those overseas students in South Australia but also in relation to students in overseas schools who are undertaking the SACE. We would like an answer to that at some point. How many of those students are there? How many of them finish it?

Safety at schools, there are a number of new offence provisions in relation to this, and there are good reasons why we need to deal with this matter. In recent months we had numbers released. I have a feeling that Tim Williams again from *The Advertiser* might have been the one to bring this news, but I am reading a transcript from the Leon Byner show, which was also reporting on it. I know that Leon Byner has a particular interest in this area because he is very concerned about student safety, anti-bullying and student wellbeing.

We have seen an increase in violent incidents at school from 1,604 two years ago to 2,135 last year. That is an extraordinary figure. Weapons were involved in 295 of those incidents, up from 265. This is at schools in South Australia. This is not the state that we want to be. Incidents involving injury or potentially illness increased from 762 to 1,040. The minister suggested that it might be because there were some gastro outbreaks involved, but if that was all 300 of them, then we clearly have some gastro problems.

I identified that at the John Pirie Secondary School a former staff member of mine, Priya Pavri, is a proud graduate of that school and is now building hospitals in Iraq with Adventist Care. Priya has been encouraging me to go to John Pirie Secondary School for some time and meet the staff and some of the families there. I had a terrific time with Kendall Jackson, the Liberal candidate for Frome. We were really encouraged by some of the stories we heard.

Over the last five years, John Pirie has seen a reduction in violence quite substantially. I do not know the period from when and to when, but certainly the figure quoted by the principal to me and then again on the television that night was a 60 per cent reduction in violent incidents and fights over a five-year period, improved academic achievement and improved wellbeing around the school. People are happier, people are more confident.

One of the things that strikes me is I asked, 'What was the thing that you did?' He said, 'We took a zero tolerance approach. If there was a violent incident at the school, we called the police. We made sure that these students appreciated that there were consequences to their actions. The idea that this was a radical proposition that would see such incredible improvement makes me very concerned that this is not a universal proposition throughout the education department. We need to ensure that the standard procedure is that if there is an incident that would involve calling police outside of a school, then if the incident is inside a school, you call the police. It should be a no-brainer. I hope that examples such as John Pirie encourage others to do the same.

This is where leadership is important. I have heard the Minister for Education asked a couple of times on Leon Byner's show—and as I said, this is an issue that he is very concerned about—this question, 'Should police be doing this?' She said if a violent incident is a student throwing their schoolbooks across the classroom, then of course not. Nobody is suggesting that, but if there is an assault at a school should you call the police? The answer is yes, and that is a clear and important message.

The principal, the school leaders and the staff need to know that the department is going to have their back. If a parent comes in and says, 'Why did you call the police?' the staff member should have every confidence in saying, 'Because that's what we are supposed to do. That's the only possible response in this circumstance.' We need to make sure that the department has the principals' backs in this area.

These legislative provisions do provide some useful steps forward in dealing with violent incidents. I am not sure whether they are sufficient; we are happy to look at others. It is not just the legislation. It is not just the creation of new offences. We are talking about barring orders and increases in penalties for conducting yourself improperly against teachers. We are also looking for leadership and clarity in the way that principals and staff respond to violent incidents, and we would like to see more of that.

The clauses from 90 to 95 deal with barring orders, trespass and strengthen offensive behaviour powers. There were some offence provisions in the previous act, particularly at section 104, and the barring and trespass provisions are currently dealt with in regulations. However, from our first look at it, by and large at this stage we are inclined towards supporting these provisions being put into the act.

The bill also broadens the barring orders opportunity to non-government schools, which I am told the non-government school sector is supportive of. Obviously the application of that needs to be worked through. The barring orders, through the regulations method, had to be formally approved by the chief executive. These barring orders can now be made at a local level and the chief executive's power is that he can change it after the fact.

These orders also now apply to preschools. This is particularly important in cases where the preschool is co-located with the school. In those locations you might have somebody who is barred from a school but not the preschool. That person is then able to be on the preschool site. Potentially, whatever caused them to get the barring order would still be a problem for the people at the school that is nearby. We will talk more about those provisions in the committee stage, potentially.

Clauses 97 to 123 deal with teachers. There is no groundbreaking progress in relation to improving easy-to-manage industrial relations outcomes at schools or local autonomy. There are a number of places where the government argues that the bill will modernise the act through contemporary language or consistency, potentially with the Public Sector Act. We see no reason to object to those, by and large.

I identified before the new provision that explicitly allows allied health workers to be employed under the act. The minister gave me a brief explanation of this when we discussed this matter previously. I encourage her to provide some more detail as to why this new clause is necessary in her second reading response, otherwise we can do it in the committee stage. It has certainly caused some anxiety. These employees are currently employed by the education department under the provisions of the Public Sector Act. I do not see that there is any immediate harm caused by this, but we remain open to discussing it further.

In relation to appointments to promotional level positions, I did note one issue. I think this is familiar with the current situation where the Australian Education Union automatically gets a nominee to a committee looking at an application for a position in the teaching service classified at promotional level. That is the same as the current provisions. Previously, we have argued against that provision, as we did the automatic right of that group to be represented in relation to review committees.

On the face of it, it strikes me that an elected staff representative is absolutely appropriate, whether they are members of an organisation or not. I think we need to think seriously about whether that actually provides any benefit to the school and to the teachers. I suspect that it certainly does not to those who are not members of the organisation but who might otherwise wish to serve in that way. We are happy to have a chat about what effect that might have in practice.

That brings me to other miscellaneous matters. Clause129 and those to the end deal with a range of things, and I will touch on one particular issue to do with community use of school facilities. The Debelle report recommended:

> …that the Department impose a contractual obligation upon third parties using a site of the Department to give notice to parents of children using services provided by the third party should a member or employee or volunteer of that organisation be arrested or charged with a sexual offence…

The DECD response is:

> The clause has been introduced into a range of DECD agreements with third parties using DECD sites and this work will continue as the applicability of the clause is considered for all existing agreements.
>
> The template to be used by schools in establishing shared use agreements has been re-written to include the clause and a guide sheet has been developed to support both schools and community groups understand what the clause requires.

Given the importance that Debelle placed on it, I would not mind establishing either now or in the committee stage, so that the minister has a couple of weeks to get back to me on that one, whether that initial response is still the case.

I note a question that I asked, and it is important for the minister in the briefing, that I wanted to make sure that in the cases of community use of school facilities that the school's governing council has a position where they are confidently able to have their say on whether that takes place, and the minister responded to me yesterday:

Under the Bill, and consistent with the current Education Act, the Minister may permit the use of school facilities for community purposes. Instructions have been issued to schools outlining the conditions under which this can occur.

She also states:

In response to your query as to whether the permission of the Governing Council is required for such use, I note the instructions state:

Principals/directors may grant the use of School facilities to School bodies. Principals/directors may also, after consultation with—

and this bit is underlined, so it means it is really important.

and the agreement of the site governing body—

and it was really important—

grant the use of School facilities to organisations not connected with the School under such conditions as the Minister may determine.

I felt that was good, and we support it.

I am checking that I have covered all the aspects of the bill because I would hate to have missed something. Broadly, I think that the bill has a number of benefits and that there are some opportunities to improve it further. The opposition is going to be very resolute on some of the areas where it needs to be improved because, if the bill proceeds in its current form, there are a number of aspects, particularly in relation to school governance, where we feel that it is a deterioration on the current act. It would make the situation worse than the current act, but the benefits would be outweighed by the negatives.

The opposition is going to be resolute in pushing for amendments on a number of these things. That said, if those amendments are passed, then we think this bill will benefit the people of South Australia, particularly its children. On that basis, we will support the bill at the second reading. We will discuss amendments. We will probably discuss amendments between houses and then we will see where we land.

Ms COOK (Fisher) (17:44): I rise to make a slightly shorter contribution than the very long, very comprehensive contribution from the member for Morialta, but I have enjoyed listening to his input regarding this bill. The Education and Children's Services Bill 2017 is the most substantial legislative reform to education and development of children in South Australia in decades. I congratulate the Minister for Education on her work and the department's work with this reform and the ongoing commitment to equitable, high-quality education for all children in this state. I would also like to add to that statement that, as I travel around schools in my electorate and local area, the resounding theme of the feedback that I get regarding the minister and her work is one of gratitude and support, so I would like to pass that on to the minister and have it tabled formally.

The bill recognises the importance of education in the development of our children and how it creates a foundation for future prosperity and opportunity not just for the child but for our statewide community. Although we cannot forecast the future, one thing is perfectly clear: our future prosperity will rely on education. We see the importance of education today in keeping a job or transitioning to a new one when industry opportunity changes, and this is only going to increase. Of course, in particular now, the jobs of the future we do not even know about.

Jobs and opportunities of the future will demand that individuals bring value. The opportunities will be in areas that cannot be replicated by machines, in areas of creativity, problem-solving, relationship building and understanding, which only people can offer. If we understand this, then of course it follows that we must ensure that our children are getting the best education possible. Every child must have access to high-quality schools so that they can find their path to a career and get the support they need to follow it. We must provide the high-quality teaching and modern facilities that are needed. We have seen this being provided over recent years with the rollout of the STEM investments in our schools.

I am very proud to be part of a government that understands this and does not shy away from its responsibilities. We have stuck to our side of the Gonski agreement that was signed with the federal government, and earlier this year we announced $67.5 million in funding for literacy and

numeracy support for our students who need it the most. However, for children to benefit from this investment, they need to be attending school. While the vast majority of students do, of course—and they enjoy attending school, and we are seeing a rise in the number of students completing their SACE—it is important that every single child gets an education.

Regularly missing whole days or weeks of classes will put a child behind. It will put that child behind in the part of their life where learning is crucial, and often these are the children who need education the most, children who have had a bad start to life. It will put them behind their classmates, who are building skills in reading, maths, science and languages, and the research backs this up. Even small amounts of unauthorised absence are associated with falls in educational achievement.

In recognising the vital importance of education for every child, this government has put forward this bill to the parliament. It offers the modern legislation needed to support a modern education. Central to it is ensuring action can be taken if a child is not attending school. The government, the education department and our schools will support families to make sure their children attend school regularly.

We are continually working to make schools more inclusive of their communities and more engaging for students. We recognise that sometimes families encounter difficulties. We will work with families to address issues that may prevent a child from attending school. Our school environment and these supports work in the vast majority of instances. Schools work incredibly hard to avoid any punitive measures; however, we need to be able to take action if the measures do not work.

That is why this bill includes new provisions to address non-attendance at school, including new provisions for family conferencing to address persistent non-attendance at school; improved provisions for the prosecution of parents who do not take reasonable steps to ensure their children or child attends school, and a significant increase in the maximum penalty for this offence; a requirement that parents of a child provide a valid reason for the child's failure to attend school within five business days; and improved provisions for obtaining information relevant to the persistent non-attendance of a child at school.

The bill also updates provisions for enrolment of children in schools and includes a substantial increase in the penalty for a parent's failure to enrol a child of compulsory school age or compulsory education age in school. These are steps we do not expect will have to be taken very often at all; however, the potential cost for a child missing school is too high not to have these provisions available. Education is key to the future not only of this state but also of every single child who lives here.

Tomorrow, I will be speaking on the motion on International Teachers' Day, and I look forward to congratulating teachers and educators in my electorate as well as those statewide. For now, I will conclude by saying that as a government we are committed to ensuring that each child gets the support they need to prosper. I commend the bill to the house.

Mr BELL (Mount Gambier) (17:50): I rise to make a brief contribution because this has been well covered by the Liberal member for Morialta. In my time as a teacher I have been very fortunate to teach in different parts of South Australia—initially in Port Augusta for five years and then in Mount Gambier for a considerably longer period, 14 or 15 years I think—and to have been involved in the establishment of flexible learning centres, as well as working with a range of practitioners.

One of those was Garry Costello, who took Mount Gambier High School from a significantly underperforming school to one of the best in the state. Unfortunately, Garry's wife, Liz, passed away last week. The funeral was on Monday, and it was pleasing to see that it was full of love but also full of humour, and a large contingent from Mount Gambier attended. I was privileged because I spent a number of years working with Garry both at Mount Gambier High School and in the regional office, and what he brought to education were high expectations. He also brought care for every student in his school, regardless of their background.

I could go on for quite a while about expectations. If you actually set high expectations, it is amazing how often students will achieve those expectations and, in many cases, exceed them. It disappoints me when expectations are set too low in the misguided belief that that is an assistance

to students when, in fact, it is the complete opposite. Teachers and schools are doing those students a disservice.

In terms of recognising a wide range of abilities, I think our schools do an amazing job. Within the department, I have undertaken a number of different roles—from attendance officer right the way through to apprenticeship broker, and of course teacher, coordinator, counsellor, etc.—but it is my time as an attendance officer that probably brings home to me the importance of attendance and what schools can do and what they do do to support young people who may come from backgrounds that are perhaps different to those many in this place have come from.

What I found a little bit disappointing was how government departments operated in silos. We had this family where I would go and pick up the kids and take them to school. They were primary school students. I had 120 on my attendance list and, when you think about it, one family can take up a number of hours every day. The school in question was McDonald Park Primary School (I still communicate with the front office staff there) and we would get these young children to school, the school would provide fresh clothes and a shower, wash their hair, give them breakfast and get them into school.

It probably struck me the hardest when, as we were getting on top of this situation, I was working with a single dad who had the power cut off, water cut off and pretty much everything cut off in the house. I think there were at least 10 cats and four or five dogs in the house as well. As soon as we started getting a grip and getting on top of some of those issues in collaboration with Families SA, the family up and moved interstate, and it is very hard to track where they are and what progress those children are making in their schooling.

Bringing it back to the bill, I think there is a lot of very good stuff in the bill and I will be listening with interest throughout this debate. One area of concern I will be raising, and I am flagging it early, is on page 77 concerning the termination of staff. The chief executive is able to terminate employment under subclause (1) by giving 12 weeks' notice in writing prior to the date of termination.

Of course, we understand the reasons why they can terminate: misconduct, unsatisfactory performance, the officer's lack of an essential qualification or if the teacher is physically or mentally incapable of performing their duties, but the one that is of most interest to me, and certainly to my previous colleagues, is if the teacher is excess to the requirements of the teaching service. In metropolitan areas that may be easier to address, but in some regional areas it may not be. I would like some further information and clarification around that area of termination of employment. With those brief remarks, I will conclude my statement, and I look forward to the passage of the Education and Children's Services Bill 2017.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to welcome to the house this afternoon an eminent Australian, Mr Tim Costello, who is a guest of the member for Davenport. I hope you are feeling very comfortable in our parliament, sir, and will leave some of your very good ideas behind.

Sitting extended beyond 18:00 on motion of Hon. S.E. Close.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Second Reading

Debate resumed.

Mr Gardner: This must be exceptional television.

Mr HUGHES (Giles) (17:58): It is exceptional TV, I can assure you, because I have had someone respond to me on Facebook during your Fidelian efforts. This person asked me, 'How long can he speak?' I said, 'On some occasions, people have a lot of latitude.' Certainly, you use your latitude. I did explain to him that on other occasions it is 20 minutes, 10 minutes or five minutes, depending upon the circumstances.

I rise in support of the Education and Children's Services Bill. When it comes to education, we all have perspectives. We all have opinions, and that is because we have all been through the process, some a lot longer ago than others. Many of us have children who are either currently attending school or have done in the recent past or the distant past. Of course, those experiences colour the way we approach and the way we see the education system. It is one of those complex systems, like health. It is probably not quite as complex as health. It is not quite as life and death, but it has it own particular challenges.

When I look at my electorate, I see the number of public education facilities in the seat of Giles. There is a total of 53 sites scattered throughout my electorate: 21 preschool or child parent centres; three integrated children's centres; 10 predominantly Aboriginal schools, mainly on the APY lands; seven area schools, which are a combination of primary and second schools; eight primary schools, nearly all of those in Whyalla, so they are stand-alone primary schools; and three secondary schools, all in Whyalla.

This is something that obviously needs to be addressed, given that we have two junior high schools in Whyalla feeding a senior high school. That model is a model that is not the best for students and there are all sorts of transition issues. Given that we have fewer than 1,000 children scattered over those three separate sites, it provides a number of real constraints when it comes to the resources available in order to maximise the opportunities in education for children in Whyalla, so I hope that is something that is going to be addressed in the near future.

Also, in Whyalla itself there is one special education centre, and that special education centre, in common with a number of others in the state, is an indication of the quality of the investment that has taken place in the material assets and infrastructure to support education. It is a brand-new, purpose-built facility and all the feedback since it has been opened has been excellent, so the quality of the facilities does contribute to the quality of the education. There are also three private schools in my electorate: St Barbara's at Roxby Downs, which is a primary and secondary school; Samaritan, which has two primary sites and one secondary site in Whyalla; and Sunrise, a private primary school in Whyalla.

Just as my communities are disparate and different, so are the schools that serve the students in this vast electorate. I will not dwell on my high school years as that was far too long ago, but as a father of young adult children who not all that long ago went through the public education system in Whyalla, what I can say is that overwhelmingly the teachers you come across who provide education and guidance have been excellent. I have always found nearly all of them to be conscientious in their approach with a real desire to do the best by their students.

Occasionally, you get a person who maybe does not fit and we need mechanisms to ensure that those people, if support cannot get them through the challenges they are facing, can exit the system. Our teachers are the backbone of our education system and thousands of South Australians dedicate themselves to giving our children a future. Whether it is supporting our youngest develop a curiosity for learning and the foundational skills they will need throughout their lives or helping older students turn their interest in language, maths, science, technology or the arts into a career, our teachers are vital.

It is not just about turning that into a career. It goes deeper than that. You hope that by going through the education system some of the subjects you are exposed to will become a love or a passion for life. I know that school, in addition to my parents, gave me my passion and love of reading which has stayed with me for all those years to good effect and good entertainment.

The research backs up the importance of teachers. It tells us the most important in-school factor that affects the quality of education of our children is the quality of our teachers. Of course, there are a whole range of other factors, such as socio-economic factors, and we do know that there is a difference in educational outcomes between the metropolitan area and regional areas. The more remote you become, the greater the difference in outcome. Those are the things that a decent education system can go some way to addressing.

It is always interesting to compare the outcomes in different countries around the world with different approaches. I am one of those people who is a bit of a fan of the Finnish approach, but other people prefer other systems. I prefer an approach that gives kids the opportunity to be kids; not all

systems do that. There is a direct link between how well our teachers perform and the results of children. It therefore follows that the best thing we can do to support our students is to support our teachers.

I am very proud to say that supporting our teachers is central to the new Education and Children's Services Bill 2017 the government has put before the parliament. The bill expressly acknowledges the efforts and dedication of all teachers and educators and their importance to the successful development of our children. In addition to acknowledging their very important role, it also offers greater support through the changes that are being introduced.

The bill brings employment arrangements together into a single piece of legislation for teachers and early childhood workers in schools, preschools and other children's services. Each school must provide the environment and resources its students and community needs. This means building a great team with the required skills, specialisations and leadership. These requirements can be different for each school, and they are certainly different in the schools in my electorate and in other electorates.

Principals and directors need the autonomy and the ability to build their teams and shape them as needs change. Maybe if we also gave them greater autonomy when it came to dealing with DPTI and the investments in our community, we might actually get some better results. I do compare the outcomes in some of the builds in the private education sector with the public education sector. When it is the same amount of money, the outcome in a number of private schools have been significantly better. One of the issues that we need to deal with is DPTI and procurement policies in the public education system.

Mr Gardner: Well said!

Mr HUGHES: Thank you.

The Hon. S.E. Close: You might say so; I couldn't possibly comment.

Mr HUGHES: The minister couldn't possibly comment, but I think as a government it is something that we need to return to—

Mr Gardner interjecting:

The DEPUTY SPEAKER: Order!

Mr HUGHES: Our principals and directors need to be able to offer the encouragement, professional development and employment opportunities that staff need to become and stay great teachers. I asked some of the experienced teachers in the country. I put to them, what is the one that you think, above a whole of other actions—

Members interjecting:

The DEPUTY SPEAKER: Member for Schubert!

Members interjecting:

The DEPUTY SPEAKER: Member for Colton! Sit down. Both of you up here now. Schubert, up here, and Colton.

Mr Knoll: To the principal's office.

The DEPUTY SPEAKER: I am afraid it is not acceptable behaviour, so you are going to have to be spoken to, aren't you. You are on a couple of warnings already—

Mr Knoll: I am.

The DEPUTY SPEAKER: —and I will send you out if you keep it up. And don't be cheeky and smart. Back on your feet; you can keep going.

The Hon. P. Caica: I was just provoked, ma'am; my apologies.

The DEPUTY SPEAKER: Go and sit down. You keep going, member for Giles.

Mr HUGHES: Isn't he going into the corner?

The DEPUTY SPEAKER: Don't take any notice of what I am up to you; you continue.

Mr HUGHES: You need to be able to offer the encouragement, professional development and employment opportunities that staff need to become and stay great teachers. As I was saying, when I asked some of the teachers in country schools what is the one thing we could do to improve what happens at country schools the answer I got from a couple of teachers with a lot of experience was that the country incentive cuts out at five years but they want to retain them for longer. What often happens in country schools when that incentive runs out, there can be a very significant turnover in staff.

You often find in country schools that you get relatively inexperienced teachers coming out on their first job—and you learn on the job and you make a contribution—but you need that mix of experience and fresh blood, and you need continuity. Sometimes the incentives and the way they are structured can act against getting that outcome. This government recognises that supporting teachers at all stages of their career supports our schools and our students.

Earlier this year, a program for our newest teachers was introduced. A $12.5 million early career teacher development program was introduced in January to help set up our recent graduates for long-term success. It offers learning opportunities, resources and mentoring support from experienced teachers. Furthermore, this government is committed to ensuring our teachers have the modern facilities they need to give students a modern quality education. It is clear when you wander around the schools in your electorate that some are of a high standard, but there are a lot of schools that were built in the 1960s and earlier that leave a lot to be desired.

We have invested $2.2 billion in infrastructure since 2002, including the new STEM facilities at 139 schools and the new outdoor learning facilities at 20 preschools. I was pleased that in my electorate of Giles we received five STEM facilities: one at Roxby Downs and the other four in Whyalla. We are now introducing a bill that will give schools a greater ability to attract and retain the teachers they need. It will give principals the ability to convert temporary teachers to ongoing appointments without having to go through an arduous formal process. Furthermore, the bill provides for the attraction and retention of high-quality teachers by those public schools facing particular challenges in recruiting or keeping high-quality staff, and that is a challenge that a lot of country schools face.

The bill will make it easier for a school to engage allied healthcare professionals and other specialist support staff. This will ensure that students get timely access to the services they need the most. I think the emphasis has to be on 'timely' because I know that there is a shortage of a whole range of allied health professionals out there. There are very long waiting lists, so that is something that needs to be seriously addressed, especially for some of those students who, if you do not address it, will fall through further and further behind.

The bill will also offer more protection for teachers. We expect a lot of our teachers. They are charged with the education of our future generations. This means a lot for this state but also of course a lot for families. Working with children requires working with families. While the vast majority of interactions go extremely well, we must ensure teachers are always treated in the respectful manner they deserve.

This is probably becoming increasingly challenging in the era of social media, Facebook and other media where some of the stuff that goes on is absolutely disgraceful. You almost get a pack mentality at work that can have an impact on a school. Families have to take more responsibility for what their kids are doing. It is not necessarily the responsibility of the school, but the consequences can flow into the school, and when teachers are targeted in this way it is absolutely disgraceful.

This bill enhances the potential for teachers, staff and students in all schools, preschools and children's services in South Australia. It updates existing provisions aimed at ensuring safe environments in schools to introduce new powers and increased penalties and to extend this protection to staff in all schools, preschools and children's services in South Australia.

The bill modernises provisions for prosecuting individuals who behave in an offensive manner towards teachers and extends such protection to all schools, preschools and children's services staff. This includes significantly increased penalties from $500 to $2,500, and extends it to

cover a broader range of behaviour, including the use of abusive, threatening or insulting language, or offensive or threatening behaviour. The offence covers any incident of abuse against a staff member acting in the course of their duties and captures incidents such as abusive or threatening behaviour towards a teacher or staff member perpetrated over the phone or via email, and I assume also on Facebook.

Furthermore, the bill helps ensure schools are a safe place for all teachers, students and parents. It significantly increases the penalties for trespassing on the premises of a school or preschool and, if necessary, strengthens powers to bar individuals from these premises. This includes the power to bar people for up to three months for behaving in a threatening manner or using abusive, threatening or insulting language to a teacher or school staff member doing their job. This behaviour cannot be tolerated towards our teachers or students, or on or near our schools; the legislation ensures it will not be.

I am very proud of the backing this government gives our education system; it is fundamental for our future. This bill lays a foundation of continued quality education in South Australia for years to come. Education has always been, dating way back, an incredibly important building block. As other speakers have said, it is becoming even more important, given the nature of the labour market and how dynamic that labour market is now with all sorts of competitive pressures. Our education system does help prepare our students for life in general but more specifically for the jobs of the future.

Mr KNOLL (Schubert) (18:17): I rise to contribute to the Education and Children's Services Bill 2017 in a respectful and mature way. The education of our young people, and what this bill seeks to do in helping to improve the governance arrangements and the structure of our public and private education, is extremely important. I want to discuss for a minute the fantastic education that is provided on both a public and private level in my electorate.

The Lutherans who settled the Barossa had a focus on education since they first came to settle there. One of the first things they did was to actually set up Lutheran schools in the Barossa. That focus and that real homing in on the importance of education has stayed with the Barossa more generally throughout its entire time. We are really privileged to have the standard of education in the Barossa that we have.

I have looked very closely into the standard of education in the Barossa because I have a five-year-old daughter who we are looking to send to school in the Barossa, obviously. The choices that we had were phenomenal. We genuinely were able to pick from the smallest of schools, like Light Pass Primary School, which only has about 60 students, to give her a real individualised education, to our local primary school, Angaston Primary School, which has seen significant growth over the past five or six years and now has a cohort of about 320—minister, they may be coming up on a bit of a capacity issue up there in Angaston—and everything in between.

We also have some extremely strong private education, whether that be Redeemer Lutheran, Tanunda Lutheran, Good Shepherd primary or Saint Jakobi. We really do feel quite blessed and the choice that we had was overwhelming. We also have extremely good high school education, whether that be Faith Lutheran down in Tanunda or Nuriootpa High School over in Nuriootpa. Nuriootpa High School has also seen some extremely significant growth.

When the shadow minister for education and I visited a couple of weeks ago, we were told that they now have an enrolment that is somewhere around 1,050 students, which is phenomenal. Again, minister, they may also be running up against a bit of a capacity issue. It is a fantastic school. Can I thank the two high school captains, Isabella and Mitchell, for taking us around. They are such proud ambassadors for their school, as well as being stars in the recent school musical. I commend the bravery shown by all the kids who were involved in getting up. The standard of performance was really something to behold and something that everybody involved should be extremely proud of, especially one grandparent, Carol Farley, who was especially vocal in the audience during the night's performance when I was there.

I also want to congratulate Nuriootpa High School on a very important and very recent state debating championship win, I think just last weekend, involving year 11 students Erin Schrapel, Rachael Golder, Harriette Rudiger, Cassie Taylor, Jess Dickinson and Georgia Thomas. This is the

first time that Nuriootpa High School has entered a team in quite a long time—I think it could be 10 or 15 years—and they were one of the few public schools that actually entered and they managed to knock off St Peter's College year 12 students with their affirmative take on the Charlie Gard case at Parliament House, which was actually in this chamber last Saturday.

The DEPUTY SPEAKER: Before I let you go on, this is beginning to sound more like a grievance than a debate about the bill. I am sure you are going to come right back to—

Mr KNOLL: I am going to circle back very quickly.

The DEPUTY SPEAKER: —your discussion on the bill before the house. That would be great.

Mr KNOLL: I just want to take this quick opportunity to congratulate them. It is obviously the standard of education that we seek to improve as part of these bill changes that has led to the debate win that our students had on Saturday. In doing so, I also want to single out Georgia Thomas, who has been extremely involved in Youth Parliament and who is a great advocate for the public education system. I look forward to her going further and doing more into the future.

To sum up, in the Barossa we know firsthand, and we reinvest in it every day, our public and private education system. I am extremely proud of it and I know that all of us in the community are extremely proud of it. I look forward to the passage of the bill so that we can further enhance that which we provide to our students and to our children so that when they do graduate they can go on to lead full and successful lives and take advantage of all the opportunities that are afforded to them.

Ms WORTLEY (Torrens) (18:22): I rise to speak to the Education and Children's Services Bill 2017. In doing so, I want to acknowledge the hardworking principals, teachers and support staff in the wonderful public, Catholic and independent schools in my electorate of Torrens.

Significant research, thought and consultation have gone into the bill, including public consultation with, and feedback from, educators in the state, Catholic and independent sectors, and parents and education unions. It supports the involvement of parents, carers and local communities in education and children's services. Importantly, it acknowledges the valuable contribution of teachers and support staff in the successful development of children.

The state government has been progressively reforming our education system to ensure that children get the best start in life and this bill will contribute towards that outcome. The bill will replace the Education Act 1972 and the Children's Services Act 1985, bringing together relevant provisions of those acts into a single piece of legislation to reflect a system and department that supports the development and education of children, from birth until the end of formal schooling.

The bill sets out a contemporary framework for the compulsory education of all children in South Australia and specifically provides for the establishment, governance, operation and closure of government schools, preschools and children's services and the employment of teachers and support staff in those schools and services.

The majority of the provisions in the bill only apply to government schools, preschools and children's services. However, a small number also apply to the non-government sector, including those related to compulsory enrolment and attendance at school and protections for students, teachers and other staff at schools, preschools and children's services. Some of the more significant reforms the bill will implement include increased powers to address non-attendance at school, including provision for formal family conferences, modification to relevant offences to improve the prospect of successful prosecutions and significant increases in the associated maximum penalties.

We know the importance of schooling in a child's life. In South Australia, children must attend school from the age of six through to 16 years. It is imperative that we put in place provisions that ensure everything is done to make this happen. Why do I highlight this point? I do so because research tells us that poor participation and engagement with school is clearly linked to adverse outcomes throughout the course of a person's life. While the overwhelming majority of our parents ensure attendance of their children at school, there are still some students who miss out on the benefit of a complete education because of unauthorised absences.

There is and will continue to be support for families to see that they are connected with services provided by other agencies, non-government organisations and community partners to resolve the issues of these absences. Unfortunately, with all the best intentions, this cannot always be achieved, so this bill goes some way to addressing this issue, with new and strengthened legislative provisions in the form of a number of points that will be highlighted further on.

A further reform implemented in the bill is the enhanced protections for teachers, staff and students in all schools, preschools and children's services in South Australia. This includes provisions to deal with offensive and threatening behaviour by adults, particularly behaviour directed towards staff acting in the course of their duties. The bill also addresses improved sharing of information between schools, parents, the department and other state government authorities to support the education, health, safety and welfare of children.

The bill addresses modernised employment arrangements for teachers and other staff in government schools, preschools and children's services. Research demonstrates the most important in-school factor that affects the quality of education of our children is the quality of our teachers, and I will speak further to this tomorrow, when we speak on the motion on World Teachers' Day.

The point that I want to go back to in relation to strengthened legislative provisions is that the bill includes new provisions for family conferencing to address persistent non-attendance at school; improved provisions for the prosecution of parents who do not take reasonable steps to ensure their child or children attend school, including a significant increase in the maximum penalty for this offence; requiring that parents of a child provide within five business days a valid reason for the child's failure to attend school; and improved provision for obtaining information relevant to persistent non-attendance of a child at school.

The bill before us also provides for the attraction and, importantly, the retention of high-quality teachers by those public schools that are faced with challenges in these areas. It also makes it easier for a school to engage allied health professionals and other specialist support staff. As a teacher, I am proud to be a member of a government that understands the value of education and knows that investing in education is investing in our children, their future and the future of South Australia. That is why we have the bill before us in this parliament. It is a bill that brings together the legislative provisions that underpin South Australia's system of public schools and children's services.

It goes some way to adding to improvements the government has already made to education in South Australia, including the more than $2.2 billion investment in infrastructure since coming to government, the current upgrading and building of the STEM facilities in our schools—and I have had the opportunity to visit some of my schools that are benefiting from this—along with the modernising of the South Australian Certificate of Education.

The Education and Children's Services Bill 2017 is clear in that the paramount consideration in the operation, administration and enforcement of the act is ultimately the best interests of the children of this state. I look forward to participating in the committee stage of the bill, as we consider amendments that may further strengthen its contribution to the education of our children.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (18:29): I would like to start my response and closing debate on the second reading by simply thanking everybody who has contributed. While we may have occasional differences in emphasis, and we may well have some amendments to this bill that we ultimately do not agree on, or some clauses that we do not agree on unanimously, it is evident that we share genuinely a desire to see a constant improvement in the education offerings for our children.

I thank people, particularly my shadow, the member for Morialta, for a very thoughtful, considered and, admittedly, lengthy contribution. I do not say that to mock because actually it was an incredibly thoughtful analysis of a very long and detailed bill, and it was impressive to listen to. I seek leave to continue my remarks.

Leave granted: debate adjourned.

STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

Second Reading

Second reading.

The Hon. C.J. PICTON (Kaurna—Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety, Minister Assisting the Minister for Health, Minister Assisting the Minister for Mental Health and Substance Abuse) (18:31): I move:

That this bill be now read a second time.

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

Leave granted.

An average week on our roads sees 107 people detected by police for drug driving – just four fewer than those detected drink driving. Both numbers are unacceptable.

Unlike alcohol-related road fatalities, the number of drivers and riders killed in road crashes who are testing positive to drugs is not decreasing. Over the last five years (2012-2016), an average of 24% of drivers and riders killed on South Australian roads tested positive to cannabis, methylamphetamine or ecstasy or a combination of these drugs. These drugs can impair a driver's coordination, reaction time, vision, and the ability to judge distance, speed and time. Drivers using methylamphetamine are inclined to take greater risks on our roads, putting the safety of all road users at risk.

The Statutes Amendment (Drink and Drug Driving) Bill 2017 amends the Road Traffic Act 1961, Motor Vehicles Act 1959, Harbors and Navigation Act 1993, Rail Safety National Law (South Australia) Act 2012 to strengthen drug driving penalties, require dependency assessments if children are in a motor vehicle at the time of the offence, and streamline the drug testing process and the approval of instruments and personnel.

The initiatives in this Bill are intended to reduce the incidence of drug driving, and improve road safety for all road users.

The Bill introduces a three-month licence disqualification for a first drug driving offence that is expiated. This is likely to be a strong deterrent against drug driving. Penalties for traffic offences typically include fines and demerit points, and these will remain. For more serious offences, however, a licence disqualification is appropriate. It will bring South Australia into line with Victoria, which has a three-month licence suspension for a first expiated drug driving offence. Several other States also have a licence disqualification for a first offence that goes to court, including New South Wales, Queensland, the Australian Capital Territory and Tasmania.

The court-imposed disqualification period will also be increased for a first offence. The minimum licence disqualification for drivers who elect to be prosecuted will be increased from three to six months and will not be able to be reduced or mitigated in any way. A higher court penalty is appropriate to deter those who would take their chances in court if the penalties were the same. Consistent with the approach currently taken with drink driving offences, a court will be able to find in the case of a first drug driving offence that the offence is trifling.

The Bill increases the court-imposed licence disqualification period for repeat drug driving offences. The minimum court-imposed licence disqualification periods for repeat drug driving offences are currently too low. For example, a person can commit a *third* drug driving offence with a disqualification of only 12 months, and even then it can be reduced further if the court has another penalty in mind. Consequently, the disqualification periods will be doubled in most cases. Again, the Bill also ensures that the disqualification cannot be reduced or mitigated in any way or substituted by any other penalty or sentence. This replicates the sentencing parameters in the drink driving provisions of the Road Traffic Act.

The disqualification penalties for refusal or failure to undertake a drug screening test, oral fluid collection or blood test will also be increased so that they remain a sufficient deterrent for not complying with legitimate directions from the police.

The Bill introduces a new offence of drink or drug driving with a child under 16 years in the vehicle. Driving children around with alcohol or drugs present in the driver's system puts these vulnerable passengers at greater risk of being involved in a crash and is unacceptable. They deserve to arrive at school safely. The new offence will apply where the driver's blood alcohol content is .08 or greater – that is, a category 2 offence and higher – and to all drug driving offences.

A conviction for, or expiation of, this new offence will trigger the requirement for a drug or alcohol dependency assessment, and the offender will not regain their licence until they have been assessed as non-dependent by a clinician. The penalties – that is, the fine, disqualification periods and demerit points – for the new offence of drug or drink driving with a child present in the vehicle will be the same as for the respective drug or drink driving offence.

Information identifying offenders will also be provided to the Department for Child Protection for the purposes of their investigations into a child's safety. This information can also be used for child-related employment screening by the Department for Communities and Social Inclusion.

The Bill also broadens the existing provisions that apply to dependency assessments so that drivers will have the option to obtain a dependency assessment from either a person or body approved as an assessment provider by the Minister for Health (currently the Corporate Health Group); or an addiction medicine specialist or addiction psychiatrist. This will give drivers the option to consult a private addiction specialist, if they wish, to obtain a dependency assessment for the purposes of obtaining a driver's licence.

The Bill increases the penalty for driving unlicensed at the end of the disqualification period if the driver has not completed the required dependency assessment or has been assessed as dependent on alcohol or drugs. Any motorist caught driving unlicensed following a drink or drug driving offence, where they did not undertake the required dependency assessment or drove after being found to be dependent, will face an increased maximum penalty of $5,000 or imprisonment for one year and disqualification from holding or obtaining a licence for not less than three years. This is consistent with the approach taken for motorists caught driving unlicensed following disqualification for a serious drink driving offence and not having entered the Mandatory Alcohol Interlock Scheme.

The Bill removes the second stage drug testing procedure conducted at the scene. South Australia Police (SAPOL) will no longer conduct the second stage of the drug testing procedure at the scene known as the 'oral fluid analysis.' This will free up officers' time at the roadside.

The first drug screening test will be administered to determine, at a preliminary level, the presence of a prescribed drug in a driver, a vessel operator/crew member, or a rail safety worker. If a prescribed drug is detected, SAPOL officers will collect an oral fluid sample for forwarding to Forensic Science SA for laboratory analysis and confirmation of the presence of drugs in the driver's oral fluid before an offence is confirmed, as per existing practice.

Under the current procedure approximately 710 people per year are exonerated at the second stage analysis conducted by SAPOL at the scene. However, analysis has shown that over half of these drivers (around 420 per year) would test positive under laboratory conditions. This is due to the lower level of illicit drug able to be detected in the laboratory compared to the current second stage screening test at the road side.

The Bill dispenses with the requirement to authorise SAPOL officers to conduct drug screening tests. There are currently 687 SAPOL officers authorised to conduct drug screening tests, and 362 authorised to conduct oral fluid analyses. Dispensing with the requirement to authorise them will reduce red-tape and allow for all sworn officers (up to 5,000 members) to be trained and available to conduct drug tests across the State.

The Bill requires all drug and alcohol testing apparatus to be approved by way of regulation. Seven types of alcohol and drug testing apparatus are currently used by SAPOL. They are published in the *Government Gazette*, but they are sometimes challenged in legal proceedings. Under these amendments they would be listed in regulations instead.

Listing them in the regulations will aid transparency and avoid difficulties encountered during prosecutions regarding apparatus make, model or description. It is anticipated that the regulations listing the apparatus will need to be amended every three to five years to account for changes in instrumentation.

Where a person has submitted to a drug screening test and the officer reasonably believes, on the basis of the results of that test, that the person has committed a drug driving offence, the Bill provides a power for police to search the vehicle for the purpose of ascertaining whether any controlled drug, controlled precursor or controlled plant is present in or on the vehicle.

Currently, drivers who commit repeat drug and drink driving offences must undergo a drug or alcohol dependency assessment and be found non-dependent in order to obtain a driver's licence. However, amendments carried in the other place will require the Registrar of Motor Vehicles to consider the successful completion of a prescribed treatment program as a substitute for a formal dependency assessment. The Government does not support this amendment. Clinicians advise that undertaking a prescribed treatment program is not a substitute for undertaking a dependency assessment. A person can be dependent on alcohol or drugs even though they have attended a prescribed treatment program. To determine the effectiveness of the treatment, a dependency assessment is required.

Another amendment carried in the other place will require a driver who is found to be dependent on alcohol or drugs to undertake a sufficient amount of appropriate treatment for dependency and to be found to be no longer dependent on alcohol or drugs, in order to obtain a driver's licence. Clinicians advise that some people may require many years of treatment, and others may not require any formal treatment to become non-dependent. It is not possible to define a single course of treatment that would be beneficial for every person who is dependent on alcohol or drugs. The existing requirement to be non-dependent already acts as an incentive for a person to take action to undergo any treatment they may require to become non-dependent and re-gain a driver's licence. The Government does not support this amendment.

An amendment was carried in the other place that will allow a defence against the drug driving laws for users of approved medical cannabis products. The proposed defence is based on the defendant being in possession of a certificate given by a legally qualified medical practitioner certifying that, in the medical practitioner's opinion, the defendant is medically fit to drive a vehicle while using an approved medical cannabis product. The Government does

not support this amendment. Roadside drug tests are conducted to improve road safety. Oral fluid drug tests detect recent THC use, when impairment is most likely, and this is the case regardless of whether the THC was used for medicinal or recreational purposes. It is not reasonable to place a burden on medical practitioners to certify that a person will be fit to drive in these circumstances. This amendment will not improve road safety.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of section 4—Interpretation

This clause amends section 4 by redefining the term *oral fluid analysis* to mean the analysis of a person's oral fluid to determine whether a prescribed drug is present in the oral fluid. This change is necessary because oral fluid analyses are to be conducted by, or under the supervision, of an analyst in a laboratory, rather than by an authorised person by means of apparatus approved by the Governor.

5—Amendment of section 72—Authorised person may require drug screening test, oral fluid analysis and blood test

This clause amends section 72 so that any police officer can conduct a drug screening test (instead of only those specially authorised by the Commissioner of Police).

6—Amendment of section 73—Evidence

This clause amends section 73 to make a number of consequential amendments to the evidentiary provisions. These changes are necessary because authorised persons will cease to conduct oral fluid analyses and will instead only take samples of oral fluid for analysis at a laboratory.

7—Amendment of Schedule 1A—Blood and oral fluid sample processes

This clause amends Schedule 1A to make a number of consequential amendments. These changes are necessary because authorised persons will cease to conduct oral fluid analyses and will instead only take samples of oral fluid for analysis at a laboratory.

Part 3—Amendment of *Motor Vehicles Act 1959*

8—Amendment of section 5—Interpretation

This clause amends section 5 by amending the definitions of *category 2 offence* and *category 3 offence*. These changes are consequential on the creation of new offences against section 47B of the *Road Traffic Act 1961* by Part 5 of this measure. The clause also inserts a definition of the term *prescribed drink driving offence* which is used in sections 74 and 79B of the Act.

9—Amendment of section 74—Duty to hold licence or learner's permit

This clause amends section 74 to create two new offences.

New subsection (2ab) provides that a person is guilty of an offence if—

(a) the person drives a motor vehicle on a road; and

(b) the person has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drink driving offence or an alleged drink driving offence (whether committed, or allegedly committed, in this State or in another State or Territory of the Commonwealth); and

(c) —

(i) the drink driving offence or alleged drink driving offence was an offence against section 47(1a), 47B(1a), 47E(3a) or 47I(7) of the *Road Traffic Act 1961*; or

(ii) if the offence was a prescribed drink driving offence—the person has—(A)been convicted of at least 1 other prescribed drink driving offence; or(B)been convicted of or expiated at least 2 other drink driving offences, committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; or

(iii) in any other case—the person has been convicted of or expiated at least 2 other drink driving offences committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; and

(d) the person has not, since the end of the period of the disqualification referred to in paragraph (b), been authorised, under this Act or the law of another State or Territory of the Commonwealth, to drive a motor vehicle.

New subsection (2ac) provides that a person is guilty of an offence if—

(a) the person drives a motor vehicle on a road; and

(b) the person has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drug driving offence or an alleged drug driving offence (whether committed, or allegedly committed, in this State or in another State or Territory of the Commonwealth); and

(c) —

(i) the drug driving offence or alleged drug driving offence was an offence against section 47(1a), 47BA(1a), 47EAA(9a) or 47I(7) of the *Road Traffic Act 1961*; or

(ii) the person has been convicted of or expiated at least 1 other drug driving offence committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; and

(d) the person has not, since the end of the period of the disqualification referred to in paragraph (b), been authorised, under this Act or the law of another State or Territory of the Commonwealth, to drive a motor vehicle.

In each case the maximum penalty fixed for the offence is $5,000 or imprisonment for 1 year.

10—Amendment of section 79B—Alcohol and drug dependency assessments and issue of licences

This clause makes a number of amendments to section 79B.

Substituted subsection (1) that requires the Registrar to give a person who applies for a licence following a period of disqualification for certain drink driving offences a direction to attend an assessment clinic for the purpose of determining whether or not the person is dependent on alcohol unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed alcohol dependency treatment program not more than 60 days before the date of application for the licence.

Substituted subsection (2) requires the Registrar to give a person who applies for a licence following a period of disqualification for certain drug driving offences a direction to attend an assessment clinic for the purpose of determining whether or not the person is dependent on drugs unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant has successfully completed a prescribed drug dependency treatment program not more than 60 days before the date of application for the licence.

Substituted subsection (4) provides that if the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on alcohol, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that—

(a) that the applicant has undertaken a sufficient amount of appropriate treatment for dependency on alcohol; and

(b) the applicant is no longer dependent on alcohol.

Substituted subsection (5) provides that if the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on drugs, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that—

(a) the applicant has undertaken a sufficient amount of appropriate treatment for dependency on drugs; and

(b) the applicant is no longer dependent on drugs.

Substituted subsection (8) provides for references to *drink driving offence*, *drug driving offence* and *prescribed drink driving offence* in the section to include corresponding offences against laws of other States and Territories. It also provides that a reference to an approved assessment provider is a reference to—

- a person registered as a specialist in addiction medicine who is a Fellow of the Australasian Chapter of Addiction Medicine of the Royal Australasian College of Physicians; or

- a person registered as a psychiatrist who is a Fellow of the Royal Australian and New Zealand College of Psychiatrists and holds a Certificate in Addiction Psychiatry; or
- a person or body approved as an assessment provider by the Minister to whom the administration of the *Health Care Act 2008* is committed.

New subsection (9) provides that for the purposes of section 79B, whether a person is to be regarded as having undertaken a *sufficient amount of appropriate treatment* is to be determined in accordance with the regulations.

11—Amendment of section 81D—Disqualification for certain drug driving offences

This clause amends section 81D so that it applies to all offences against section 47BA of the *Road Traffic Act 1961*. It also increases the mandatory periods of disqualification to which a person is liable for offences against that section as follows: 3 months for a first offence, 12 months for a second offence, 2 years for a third offence, and 3 years for a subsequent offence.

Part 4—Amendment of *Rail Safety National Law (South Australia) Act 2012*

12—Amendment of section 9—Interpretation

This clause amends section 9 by inserting a definition of *drug* and redefining the term *oral fluid analysis* to mean the analysis of a person's oral fluid to determine whether a drug is present in the oral fluid. This change is necessary because oral fluid analyses are to be conducted by, or under the supervision, of an analyst in a laboratory, rather than by an authorised person by means of apparatus approved by the Governor.

13—Substitution of section 11

11—Approval of apparatus and kits for breath analysis etc

Substituted section 11 empowers the Governor to make regulations to approve apparatus as breath analysing instruments, to approve apparatus for the purposes of conducting alcotests and drug screening tests, and to approve blood test kits. It also provides for such apparatus and kits approved under the *Road Traffic Act 1961* to be taken to be approved under this section.

14—Amendment of section 13—Conduct of drug screening tests, oral fluid analyses and blood tests

This clause amends section 13 so that any police officer can conduct a drug screening test (instead of only those specially authorised by the Commissioner of Police).

15—Amendment of section 18—Processes relating to oral fluid samples

This clause amends section 18 to make a number of consequential amendments. These changes are necessary because authorised persons will cease to conduct oral fluid analyses and will instead only take samples of oral fluid for analysis at a laboratory.

16—Amendment of section 20—Evidence

This clause amends section 20 to make a number of consequential amendments to the evidentiary provisions. These changes are necessary because authorised persons will cease to conduct oral fluid analyses and will instead only take samples of oral fluid for analysis at a laboratory.

Part 5—Amendment of *Road Traffic Act 1961*

17—Amendment of section 5—Interpretation

This clause amends section 5 by redefining the term *drink driving offence* to mean—

(a) an offence against section 47(1) or (1a) involving the driving of a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicle; or

(b) an offence against section 47B(1), 47B(1a), 47E(3), 47E(3a), 47I(7) or 47I(14).

Drink driving offence is redefined to mean—

(a) an offence against section 47(1) or (1a) involving the driving of a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of a drug as to be incapable of exercising effective control of the vehicle; or

(b) an offence against section 47BA(1), 47BA(1a), 47EAA(9), 47EAA(9a), 47I(7) or 47I(14).

18—Amendment of section 47—Driving under the influence

Section 47(1) makes it an offence for a person to drive a vehicle, or attempt to put a vehicle in motion, while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle.

This clause amends section 47 to create a new offence (in subsection (1a)) of engaging in conduct involving a motor vehicle that constitutes an offence against subsection (1) while a child under the age of 16 years is present in or on that motor vehicle. A person who commits the new offence against subsection (1a) will be liable to the same penalties as for an offence against subsection (1) and will be subject to the same mandatory periods of licence disqualification if convicted by a court. If a person is charged with an offence against subsection (1a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (1) if the court is satisfied that an offence against subsection (1) has been so established.

19—Amendment of section 47A—Interpretation

This clause amends section 47A by altering the definitions of *approved blood test kit*, *category 2 offence*, *category 3 offence* and *oral fluid analysis*. The amendments are consequential on other amendments made by this measure.

20—Insertion of section 47AB

This clause inserts a new section.

47AB—Drug driving offences—defence for users of approved medical cannabis products

Proposed section 47AB provides that in proceedings for a drug driving offence involving THC, it is a defence if the defendant proves that, at the time of the alleged offence—

(a) the defendant had a medical condition or a disability requiring the defendant to use an approved medical cannabis product; and

(b) the defendant was in possession of a certificate given by a legally qualified medical practitioner certifying that, in the medical practitioner's opinion, the defendant is medically fit to drive a vehicle while using an approved medical cannabis product.

Approved medical cannabis product will have the meaning assigned to it by the regulations.

21—Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

Section 47B(1) makes it an offence for a person to drive a vehicle, or attempt to put a vehicle in motion, while there is present in his or her blood the prescribed concentration of alcohol as defined in section 47A.

This clause amends section 47B to create a new offence (subsection (1a)) of engaging in conduct involving a motor vehicle that constitutes an offence against subsection (1) while a child under the age of 16 years is present in or on that motor vehicle. However, the new offence does not apply to conduct that constitutes a category 1 offence against subsection (1). A person who commits the new offence against subsection (1a) will be liable to the same penalties as for an offence against subsection (1) and will be subject to the same mandatory periods of licence disqualification if convicted by a court. If a person is charged with an offence against subsection (1a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (1) if the court is satisfied that an offence against subsection (1) has been so established.

22—Amendment of section 47BA—Driving with prescribed drug in oral fluid or blood

Section 47BA(1) of the Road Traffic Act makes it an offence for a person to drive a vehicle, or attempt to put a vehicle in motion, while a prescribed drug is present in his or her oral fluid or blood.

This clause amends section 47BA to create a new offence (subsection (1a)) of engaging in conduct involving a motor vehicle that constitutes an offence against subsection (1) while a child under the age of 16 years is present in or on that motor vehicle. A person who commits the new offence against subsection (1a) will be liable to the same penalties as for an offence against subsection (1) and will be subject to the same mandatory periods of licence disqualification if convicted by a court. If a person is charged with an offence against subsection (1a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (1) if the court is satisfied that an offence against subsection (1) has been so established.

The clause also amends section 47BA to increase the mandatory licence disqualification periods for offences against subsection (1) or new subsection (1a) to not less than 6 months for a first offence, not less than 12 months for a second offence, not less than 2 years for a third offence and not less than 3 years for a subsequent offence.

The clause also inserts a provision that allows a court to reduce a disqualification for a first offence to a period of not less than 1 month if the court is satisfied, by evidence given on oath, that the offence is trifling.

23—Amendment of section 47C—Relation of conviction under section 47B or 47BA to contracts of insurance etc

This section amends section 47C to alter cross-references to include the new offences against section 47B and 47BA inserted by this measure.

24—Amendment of section 47D—Payment by convicted person of costs incidental to apprehension etc

This section amends section 47D to alter cross-references to include the new offences against section 47B, 47BA, 47E and 47EAA inserted by this measure.

25—Amendment of section 47E—Police may require alcotest or breath analysis

Section 47E(3) of the Road Traffic Act provides that a person required under the section to submit to an alcotest or breath analysis must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest or breath analysis is conducted in accordance with the directions of a police officer.

This clause amends section 47E to create a new offence. New subsection (3a) provides that a person commits an offence if—

(a) the person has engaged in conduct of a kind described in subsection (1)(a), (b) or (c) involving a motor vehicle; and

(b) such conduct occurred while a child under the age of 16 years was present in or on that vehicle; and

(c) the person refuses or fails to comply with a direction of a police officer (given in relation to such conduct) in contravention of subsection (3).

A person who commits the new offence against subsection (3a) will be liable to the same penalties as for an offence against subsection (3) and will be subject to the same mandatory periods of licence disqualification if convicted by a court. If a person is charged with an offence against subsection (3a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (3) if the court is satisfied that an offence against subsection (3) has been so established.

26—Amendment of section 47EAA—Police may require drug screening test, oral fluid analysis and blood test

Section 47EAA(9) of the Road Traffic Act provides that a person required to submit to a drug screening test, oral fluid analysis or blood test must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to allow a sample of oral fluid or blood to be taken in accordance with the directions of a police officer.

This clause amends section 47EAA so that any police officer can conduct a drug screening test (instead of only those specially authorised by the Commissioner of Police). It also creates a new offence.

New subsection (9a) provides that a person commits an offence if—

(a) the person has engaged in conduct of a kind described in section 47E(1)(a), (b) or (c) involving a motor vehicle; and

(b) such conduct occurred while a child under the age of 16 years was present in or on that vehicle; and

(c) the person refuses or fails to comply with a direction of a police officer (given in relation to such conduct) in contravention of subsection (9).

A person who commits the new offence against subsection (9a) will be liable to the same penalties as for an offence against subsection (9) and will be subject to the same mandatory periods of licence disqualification if convicted by a court. If a person is charged with an offence against subsection (9a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (9) if the court is satisfied that an offence against subsection (9) has been so established.

This clause also amends section 47EAA to increase the mandatory licence disqualification which apply if a person is convicted of an offence against the section to not less than 12 months for a first offence and not less than 3 years for a subsequent offence.

27—Amendment of section 47GA—Breath analysis where drinking occurs after driving

This clause amends section 47GA to alter cross-references to include the new offences against section 47(1a) and 47B(1a) created by this measure.

28—Amendment of section 47GB—Oral fluid analysis or blood test where consumption of prescribed drug occurs after driving

This clause amends section 47GA to alter cross-references to include the new offences against section 47(1a) and 47B(1a) created by this measure.

29—Substitution of section 47H

47H—Approval of apparatus and kits for breath analysis etc

Substituted section 47H empowers the Governor to make regulations approving apparatus as breath analysing instruments, approving apparatus for the purposes of conducting alcotests and drug screening kits, and approving blood test kits.

30—Amendment of section 47I—Compulsory blood tests

Section 47I(14) provides that a person is guilty of an offence if the person, on being requested to submit to the taking of a sample of blood under this section, refuses or fails to comply with that request and—

(a) fails to assign any reason based on genuine medical grounds for that refusal or failure; or

(b) assigns a reason for that refusal or failure that is false or misleading; or

(c) makes any other false or misleading statement in response to the request.

This clause amends section 47I to create a new offence.

New subsection (7) provides that if—

(a) a motor vehicle is involved in an accident; and

(b) a child under the age of 16 years was present in or on the vehicle at the time of the accident; and

(c) the person who was driving the vehicle at the time of the accident refuses or fails to comply with a request that the person submit to the taking of a sample of blood under this section; and

(d) the person—

(i) fails to assign any reason based on genuine medical grounds for that refusal or failure; or

(ii) assigns a reason for that refusal or failure that is false or misleading; or

(iii) makes any other false or misleading statement in response to the request,

the person is guilty of an offence. The maximum penalty is a fine of not less than $1,100 or more than $1,600 for a first offence, or not less than $1,900 and not more than $2,900 for a subsequent offence.

If a person is charged with an offence against subsection (7) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (14) if the court is satisfied that an offence against subsection (14) has been so established.

If a person is charged with an offence against subsection (7) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (14) if the court is satisfied that an offence against subsection (14) has been so established.

If a court convicts a person of an offence against subsection (7), the driver is liable to the same mandatory licence disqualification as for an offence against subsection (14).

31—Amendment of section 47IAA—Power of police to impose immediate licence disqualification or suspension

This clause amends section 47IAA to empower the police to give notices of immediate licence disqualification or suspension to persons who commit offences against section 47(3a), 47EAA(9a) and 47I(7).

32—Amendment of section 47K—Evidence

This clause amends section 47K. The amendments to the evidentiary provisions are consequential on other amendments made to the Act by this measure.

33—Amendment of section 175—Evidence

This clause amends section 175 to insert a new subsection that provides that in proceedings for an offence against section 47(1a), 47B(1a), 47BA(1a), 47E(3a), 47EAA(9a) or 47I(7), an allegation in the complaint that a child under the age of 16 years was, on a specified date and at a specified time, present in or on a specified motor vehicle will be accepted as proof of that matter in the absence of proof to the contrary.

34—Amendment of Schedule 1—Oral fluid and blood sample processes

This clause amends Schedule 1 to simplify cross-references and to make minor consequential amendments.

Ms COOK (Fisher) (18:32): I rise to speak in support of the bill. Drug driving has now surpassed drink-driving in a range of road safety statistics. In 2016, 5,351 drivers were detected by SA Police for drug driving. This compares with 5,237 drivers detected for drink-driving. There has been a steady increase in the proportion of drivers who test positive for drugs from roadside tests. In 2008, 2 per cent of those drivers tested by SAPOL returned a positive drug test. This rose to 11 per cent of drivers tested in 2016.

Drugs have also now surpassed alcohol in terms of involvement in road fatalities. Since 2014, the total number of drivers or riders killed testing positive to drugs has overtaken the number of drivers or riders killed with an illegal blood alcohol content in their system. It is very worrying. In 2016, 30 per cent of drivers or riders killed tested positive for drugs. These statistics are incredibly concerning.

We have achieved considerable success in reducing the incidence of drink-driving. There is a stigma that now attaches to those willing to risk their life and the lives of others by drink-driving. Our challenge is now to replicate this success in terms of drug driving. Those who are willing to put their lives and the lives of innocent road users at risk by driving with drugs in their system are incredibly selfish and they must be stopped.

Drugs impair a driver's coordination, reaction time, vision and the ability to judge distance, speed and time. Drivers are also inclined to take greater risks on our roads, putting the safety of all road users at risk. This bill seeks to introduce a three-month licence disqualification for a first drug-driving offence, as well as an increased licence disqualification for repeat drug-driving offences.

The bill also creates a new offence of high level drink or drug driving with a child under the age of 16 in the vehicle. We have seen alarming statistics recently when SAPOL has tested drivers in school zones of people dropping their children off to school with drugs in their system. Young children do not have the ability to refuse to get into a car with drug-affected adults. They are reliant upon these adults, whom they trust, to keep them safe and give them guidance in life.

By forcing those who are willing to drive under the influence of drugs with a child in their car to undergo a drug dependency test before they are able to get their licence back, the government seeks to achieve two important objectives: first, to keep people who are willing to engage in this most selfish act off the road and, secondly, to act as a circuit-breaker and encourage those people to get the medical help they need to break any addiction they may have.

This bill seeks to impose heavy loss of licence periods, which the government believes reflects the dangerous and selfish nature of drug driving; however, the bill does not seek to increase or impose any further financial penalties. The financial penalties that currently apply to drug-driving offences will remain. It is not the government's intention to further marginalise individuals who may already be struggling. This bill is about safety, the safety of all road users, and keeping those willing to engage in dangerous driving behaviours off our roads.

The Hon. Kelly Vincent MLC, with the support of the opposition and the Greens, has moved a successful amendment in the other place to provide a defence to the offence of drug driving if that driver is using medicinal cannabis. I am concerned about this amendment and the government as a whole also does not support this proposal and is seeking to remove the amendment in this place.

There is no evidence before the government that suggests this proposal would improve road safety. To the contrary, it could leave the law wide open to exploitation. The person may be prescribed medicinal cannabis by a medical practitioner, but that practitioner is not able to control how the person uses the cannabis, how much they use, or if the person uses non-prescribed cannabis products at the same time. That medical practitioner cannot certify that someone is fit to drive at any given time based on this.

Of course, all this does not take into consideration differing levels in the use of medicinal cannabis and its different products. Sativex and Epidiolex, for example, are two very different varieties of medicinal cannabis designed to combat very different symptoms and contain different levels of THC. Sativex, for example, contains THC to CBD at a 1:1 ratio, while Epidiolex contains approximately 98 per cent CBD to 2 per cent THC—very different. Current drug testing cannot differentiate between either of these medications or the presence of THC in the body via the use of these or recreational drugs, so without improved science and testing in this area it is impossible to determine what is a safe level of drug driving and even harder still for a judge or for police to assess where this has come from.

Whilst the government acknowledges the raft of drug-driving research being done to better determine the crash risk associated with THC (the active component in cannabis) and driving, we know that THC can affect driving even when there are no outward signs of impairment. We also know

that THC is prevalent in road fatality statistics: over the last five years, from 2012 to 2016, 48 drivers and riders killed tested positive to THC either on its own or in combination with other drugs or alcohol. Of these 48 fatalities, 20 tested positive to THC alone (no other drugs or alcohol were present), and 16 of them were deemed to be responsible for the crash.

These statistics alone should indicate that the use of THC and driving is a problem, and we cannot afford to relax our laws at the moment in any way. While I am prepared to keep an open mind moving forward, however, and would be happy to explore an amendment of this kind in the future once the legal use of medicinal cannabis has been in place for some time, it needs to be in place for long enough to observe the effects on its user groups. I feel it is a risk I am not prepared to take at this point.

I am 100 per cent in support of the use and legalisation of the use of medicinal cannabis and I have spoken in support of this in this place. I am just sceptical about our ability to determine whether it is the use of medicinal cannabis or recreational cannabis that is giving us THC levels in the blood. It also worries me about being able to determine the levels. I am very happy that doors are opening up for these people, who are often in very hopeless situations, with medical conditions that will benefit from the use of medicinal cannabis.

I do not think it is beneficial to cause complication to that or to this piece of legislation and potentially see misuse through sanctioned exemptions. For those reasons, I cannot support the amended proposal. I am going to urge the government to invest in prevention and restorative programs, which I always advocate, targeting drug use and abuse. There are so many families hurting in our community as a consequence. Prevention is always better than cure, so education programs in our community and in our schools are a key to cultural change, but we cannot abandon those who have fallen into a cycle of abuse.

I am pleased that the recommendations of the recent state government Ice Taskforce are being followed up as a matter of urgency starting with the Stop the Hurt campaign, which is seeing a $3.6 million investment to boost the number of outpatient counselling appointments by 50 per cent and an increase in the number of rehabilitation beds in regional areas. It also includes an additional $1 million for covert police operations and half a million dollars for the further training of police dogs, which, I will put on record, I do not believe should be used in schools in the way the Liberal Party has pledged as an election policy. The campaign also puts $600,000 towards further education and drug prevention strategies throughout our community.

With those remarks, I wish to commend the previous minister for road safety in the other place, the Hon. Peter Malinauskas, who responded to community calls for this. He has done this in a really progressive and determined way. I also place on record my congratulations to the new police minister, Chris Picton, the member for Kaurna in this place. I also thank the members of the public and advocacy groups for ensuring that this challenging area of social policy is being addressed. I commend the bill to the house.

Mr GARDNER (Morialta) (18:41): I indicate that I am not the lead speaker for the opposition on this important bill, but I am pleased to join the debate at a time when I have the opportunity to debate against the points made by the member for Fisher, the parliamentary secretary, who has just provided what I would characterise as a 'both ways' contribution: she wants to have it both ways. She is in favour of medicinal cannabis and, in fact, she said she is in favour of the use of medicinal cannabis being allowed on the roads, but not now.

We also know that she is in favour of pill testing being provided to people who go to rave festivals. The technology is sufficient for the member for Fisher to argue that pill testing at rave festivals is safe so that you can take dangerous illicit drugs. You can put them through a test that will indicate to the person what is in them, what it is providing them, to the point where it is safe, where that is a better outcome than providing them with an unambiguous response, 'No, you can't take these illicit drugs. They are bad for you, they will kill you, they will change the way you behave in a way that is dangerous.'

Mr Odenwalder interjecting:

The DEPUTY SPEAKER: Order!

Mr GARDNER: That technology is apparently well advanced enough, but not the idea of medicinal cannabis that the member says she is in favour of, with inactive THC components, or at least THC that is not going to impede in this way. The member for Schubert will talk more about that. You cannot have it both ways. You cannot be as soft on drugs as you can get on the one hand and then claim that you are a champion of law and order and road safety on the other. It is not a straightforward philosophical position: it is an attempt to please everybody but, of course, you attempt to please everybody and you walk away from the principles you hold dear. I do not think for a second that the member for Fisher really, truly, in her heart, believes it.

She said that in the future she wants this legislation to pass in its current form. This amendment is one that she philosophically agrees with and, in the future, when she says that apparently the testing regime is going to improve, she would support it. It does not work that way. The member for Fisher identified that the Liberal Party's election commitment in relation to drug sniffing dogs in schools is something that she does not support and that police dogs, the beagles the police use in an environment to sniff out drugs, should not be going into schools. This is the parliamentary secretary for the same government that said that our policy was not necessary because this already happens in schools.

Ms Cook interjecting:

The DEPUTY SPEAKER: Order!

Mr GARDNER: Peter Malinauskas said that this already happens in schools, yet the member for Fisher argues that she does not want the dogs in schools.

Ms Cook interjecting:

The DEPUTY SPEAKER: Order!

Mr GARDNER: You cannot have it both ways. You cannot just try to appeal to whatever audience you are trying to speak to at the time: it does not work that way. You take a policy. You take a bill. You apply your principles to it and you consider it in accordance with your philosophy. If your philosophy says that community feedback is a relevant and valuable consideration, then you can look at it through that lens too, but you cannot tell one audience that you want pill testing at raves and you want to be able to tell kids that it is safe to take those drugs that have gone through that pill testing and tell others that there are not sufficient protections for us to be able to consider the amendment that was put by the Hon. Kelly Vincent.

You cannot say on the one hand that you do not want to have dogs going into schools to try to find drugs, but on the other hand be part of a government and defend the words of the former minister for police when he says, 'The Liberals' policy is unnecessary because we are already doing this. We already have dogs going into schools.' Seriously, it is beagles checking out school lockers occasionally to make sure that there is a positive drugs message being able to be presented to kids at schools.

Those schools that have gone through this—not so many recently, but certainly in previous years when schools have done this—had very positive outcomes. It has been a very positive opportunity for kids to be able to engage with police in a positive way. As one principal said to me, 'You know what? We found some drugs too.' That is good. We were able to get drugs out of those kids' locker rooms.

The member for Schubert and I went to a school recently where a principal told us that kids' parents gave them drugs to take to school to sell to their friends. This is a problem that needs to be addressed. It needs to be addressed seriously. It cannot be addressed by the 'have it both ways' approach of the parliamentary secretary. You cannot please everybody. Sometimes you have to make a call: is this the right decision or is this the wrong decision?

I think the bill we have before us has had some of those considerations put to it and I think that the government is trying to have it both ways. They are trying to say that they are in favour of medicinal cannabis, but they still want to try to appeal to a political approach that frankly is not in the best interests of the people of South Australia and it is one that they do not even believe in themselves.

Mr KNOLL (Schubert) (18:46): I rise to make a contribution on the Statutes Amendment (Drink and Drug Driving) Bill and indicate that I will be the lead speaker on this bill. From the outset, I would like to set a bit of a structure to the discussion that I would like to have. First, we need to identify the problem that exists and why it is that we are moving to make these decisions that we are making, then move on to the elements of the bill, then move on to some potential alternate approaches and then bring a bit more information into play in relation to some of the evidence around drug driving especially and how drugs affect our system.

I think this is a very emotive debate. I know this is extremely personal for many people. This is extremely personal for me, having witnessed the deleterious effects that drugs and alcohol abuse can have on our community and our loved ones, and so I am as committed as anybody to ensuring that this system works.

A debate has been raging, particularly in the last couple of months, around who is toughest on crime. It is a glib line that does not properly help us to achieve the aims that we set out to achieve. If our aim is merely to be tough on crime, to feel good and to go out there and one-up the next person so that we can all be tough and puff out our chests, what we are going to see is a worse set of outcomes than if we actually sit down and look rationally at the evidence and try, to the extent that we can, to take the emotion out of this debate and actually look at how we are going to improve outcomes.

It is much more important in my mind that, instead of being tough on crime, we actually get smart on crime and that, instead of being tough on drugs, we are actually smart on drugs. I was extremely proud to release a policy with the shadow minister for education. Maybe the enforcement components of the policy got a lot of mention, but it is a balance of enforcement, education and prevention and we need all of those three things to come together if we are going to change hearts and minds and change the behaviour of people in our community, especially on our roads, where their behaviour affects not only themselves but it potentially can affect other people.

So it is extremely important that we get this right, but I get frustrated when I see hyperbole out there being spoken. I get frustrated when I see the truth of what we are trying to achieve being misrepresented in the most simplistic and base of ways. There was one such interview yesterday where, while essentially trying to have a discussion on medical cannabis, it turned into, 'Do you want to let people smoke dope and drive?' That could not be farther from the truth of what we are seeking to achieve. It is why I want to use this speech tonight and tomorrow to put the facts on the table so that we can have a rational debate and get to the heart of what is right and wrong, rather than what looks good and what does not.

Why is it that we need to have reform in this area? Since the 1960s and 1970s, we have been working to reduce the level of road fatalities and serious injury on our roads, and we want to do that for the people themselves so that they can hang around to live long and fulfilling lives. We want to do it for their families because we want to make sure that they have their loved ones around and do not have to go through the heartache and pain of what happens when one of these incidents occurs.

Also, we want to do it so that our police officers do not have to continue to go to these crash scenes, so that our CFS volunteers, MFS personnel and SES volunteers do not have to go to these scenes and see the carnage and the awful images that I am sure would stay with officers and volunteers alike for life. When car accidents happen, they leave an indelible mark on the broader community. Some of them hit home more than others, and you only need to drive down roads and see the bunches of flowers and memorials on the side of the road to see the lasting impact that this has.

But we have had some success, especially in relation to drink and drug driving, where the statistics show us that 24 per cent of drivers and riders killed on SA roads tested positive to prescribed drugs. By that I mean THC (marijuana, cannabis), THC being the psychoactive ingredient; methamphetamine, whether that be speed, ice or crystal meth; or MDMA or more commonly known as ecstasy. If I look at the statistics provided in relation to alcohol-related fatalities and the number of drivers and riders killed testing positive to drugs, it shows that we are doing better.

In 2006, 30 people tested positive to alcohol who died on our roads. In 2016, that number was down to 10, and I think that speaks to the good work, the bipartisan work, that this parliament has done in making sure we have a regime in place that helps to reduce that behaviour. That goes to the Motor Accident Commission campaigns, that goes to the enforcement of the police and that goes to winning over the hearts and minds of the community, that this is not an appropriate thing to do.

Again, it is that holistic approach of education, enforcement and prevention which needs to all come together so that we can do it. But over the same period, the number testing positive to drugs who then subsequently die on our roads has remained relatively steady, in fact almost perfectly steady with 17 people in 2006 and 14 in 2016. We can see that there is more work that needs to be done. The good thing is that it is not increasing: it is decreasing. You would have to consider that this comes against a backdrop of an increasing population and an increasing amount of population on our roads, especially if we then add in the extra movements of trucks and the fact that we have more freight moving around on our roads.

We see that there is an overall reduction in relation to the amount of traffic we see on our roads. There is a problem when we look at the things we need to deal with. Certainly the government, the Motor Accident Commission, the Community Road Safety Fund and all these initiatives come together to say that we need to work towards getting to zero. We agree and commit to that, knowing that we may not always get there, but we cannot give up on trying to do so.

Some other more general statistics, whether that be studies around testing wastewater and sewage from various points around wastewater treatment plants in South Australia or federal studies looking into drugs that we are able to collect, take away and get off the streets, show that we have a problem in South Australia. Marijuana is certainly a problem, but the big problem we have in South Australia is ice. We had the second highest amount of ice seized and taken off our streets in recent years.

We have a problem dealing with this drug, and this drug is relatively new. It comes with a different set of consequences and a different set of challenges vis-a-vis some of the more traditional drugs that we would have seen before with heroin and cocaine, the use of which is small but steady and certainly still part of the community, but ice is the one that we need to get through to most. It is an issue for South Australia more so than for some other jurisdictions. Again, that is why we support moves to make changes in this area.

We agree with the government that there is a problem, we agree with the government that we need to do something in this area and we agree with the government on the vast majority of the bill that is brought before us. In fact, the bill that has come from the Legislative Council down to our house is a bill that I would love to see go into law in its entirety. As it stands now, it is a bill that both the Liberal Party and I would be happy to support and sail straight through. Unfortunately, given the series of amendments that have been moved, I do not think that is where we are headed. However, I think it is a major piece of work that will improve how we are able to tackle drink and drug driving on our roads.

This may be a bit of a theme: the bill contains within it increased enforcement measures and increased prevention measures. I think we need to get that balance right so that it is not just about being tough, it is also about being smart. The major change to the bill is to create a three-month licence disqualification for a first-time drug presence, and that offence is expiated.

The bill seeks to increase the minimum penalty of six months where somebody seeks to have their first drug-driving offence prosecuted. Essentially, it creates an element of risk for somebody who elects to go to court in relation to a drug-driving offence so that the person thinks twice, 'Is it better for me to just take the three months as it stands? Or, if I go to court and elect to be prosecuted, I know that I am look at a doubling of my licence disqualification.'

The bill increases the penalties for second and subsequent offences. For the second offence, the minimum disqualification period is one year, it is a two-year minimum for a third offence and for subsequent offences it is a minimum of three years. The Liberal Party supports those measures. The Liberal Party is in lock step with the government, especially in relation to second and subsequent

offences. Some of the information I will talk about later shows that we need to get tougher, especially on repeat offenders, because the current system is not working in relation to those people.

We need to do more to send a clearer message to them. Where the message is still not getting through, we need to do what we can to take these people off the road. As I will explain later, once they are off the road, I think we need to do more to ensure they get the help that they need to turn their lives around so they can get off drugs or deal with their alcohol addiction and become fully functioning members of society.

The bill also creates a new offence of drink and drug driving with a child under 16 years. We have seen this in a number of areas, particularly around smoking in vehicles with children present. Again, this is something the Liberal Party supports. In essence, this is trying to get at the fact that when you have a child in your car and you are the parent or the guardian you have an increased responsibility to those children, and the offence should match that responsibility. I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 18:59 the house adjourned until Thursday 27 September 2017 at 10:30.

Answers to Questions

RANGEVIEW DRIVE, CAREY GULLY

208 Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14 June 2016). Has SAPOL retained a record of their attendance and interviews at Rangeview Drive, Carey Gully in 2011 to recover the body of Kacper Ernst Andrew Gajdzinski and if so, will they make it available to the Public Trustee or Attorney-General upon request?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): The Minister for Police has been advised:

South Australia Police (SAPOL) is responsible for the investigation and preparation of coronial reports concerning reportable deaths to the State Coroner under the *Coroners Act 2003*. Once the coronial report is provided to the State Coroner by SAPOL, the ownership of this file then transfers to the State Coroner. SAPOL does not retain any original document which forms part of the coronial file and is therefore not in possession of any information that would be made available to either the Public Trustee or Attorney-General.

EMERGENCY SERVICES

229 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, Volume 2, page 114—

Why has $951,000 been allocated for other supplies and services out of the Community Emergency Services Fund in 2016-17 when the actual amount in 2014-15 was only $3,000 and the 2016-17 estimated result was only $2,000?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): The Minister for Emergency Services has been advised:

The funding of $951,000 allocated for other supplies and services out of the Community Emergency Services Fund in 2016-17 relates to contingency funds allowed to cover unanticipated expenditure. In both 2014-15 and 2015--16 this funding was used to cover minor administrative costs of running the fund being $2,000 and $3,000 respectively. In those years the remaining balance was reallocated to Intra Government Transfers to emergency services agencies to contribute to the costs of major incidents such as the Sampson Flat and Pinery bushfires.

COUNTRY FIRE SERVICE FIREFIGHTERS, WORKERS COMPENSATION

232 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, Volume 2, page 68—

1. Why was there such a large accounting error which caused a $115.8 million overestimate in expenses in the 2015-16 estimated results for the reinstatement of workers compensation provisions during 2015-16 to recognise presumptive legislation for CFS firefighters with specific cancers?

2. Has the money allocated for workers compensation provisions during 2015-16 to recognise presumptive legislation for CFS firefighters with specific cancers which hasn't been expended been reallocated to other emergency services expenditure items and if so, how has that money been spent?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): The Minister for Emergency Services has been advised:

1. The budget adjustment to reinstate the workers compensation provision is the continuation of the estimated cost of future claims as a result of the introduction of presumptive legislation for firefighters with specific cancers.

2. The workers compensation provision in the financial statements is an estimate of the cost of claims rather than an allocation of funds. The provision is adjusted to reflect changes in the estimate of the cost of claims based on actuarial valuations. Agencies will continue to be provided funds each year to meet the cost of claims arising from this legislated coverage for firefighters with specific cancers.

EMERGENCY SERVICES

239 Dr McFETRIDGE (Morphett) (27 September 2016). In reference to 2016-17 Budget Paper 4, Volume 2 page 79—

What was the total amount of funding which has been transferred from the Community Emergency Services Fund to the South Australian Metropolitan Fire Service for 2015-16 and what is the total amount of funding to be transferred in 2016-17?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development): The Minister for Emergency Services has been advised:

The total amount of funding which was transferred from the Community Emergency Services Fund to the South Australian Metropolitan Fire Service for 2015-16 was $136.443 million. The total amount of funding to be

transferred from the Community Emergency Services Fund to the South Australian Metropolitan Fire Service in 2016-17 is $136.381 million.

STATE ADMINISTRATION CENTRE

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (2 November 2016).

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy):

The preferred bidder failed to settle the purchase of the State Administration Centre (SAC) precinct in December 2016. Following the termination by the state of the contract for sale of the SAC precinct, the state decided to discontinue the sales process being managed by its agent.

The state has engaged Hames Sharley as a strategic adviser to consider and advise the state on various alternative sale options for the SAC precinct, including but not limited to potential development options.

Any decision on the future sale strategy of the SAC precinct will be made by cabinet.

EDUCATION AND CHILD DEVELOPMENT DEPARTMENT EMPLOYEES

In reply to **Mr GARDNER (Morialta)** (11 April 2017).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

On the basis of Magistrate O'Connor's comments of 6 March 2017 the Department for Education and Child Development's Ethical Conduct Unit is conducting inquiries into the actions of the three staff members who were witnesses.

At this stage, no action has been taken against these staff.

Two of the staff members are still in their positions at the school; the third staff member has a placement at another school.

SCHOOL ATTENDANCE

In reply to **Ms BEDFORD (Florey)** (17 May 2017).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

The triggers for consideration of referral vary widely for each case; however policy and legislative requirements must have been met before prosecution can be considered.

- Schools are required to record, monitor and follow up on non-attendance.
- Students must have been absent a certain amount of days that highlights early concerns about a student's attendance. These are categorised as the:
    - Habitual at five absences per term
    - Chronic non-attendance at ten absences per term
- It is noted however, in practice, the matters that have been referred for prosecution have involved significantly more serious non-attendance than the ten days per term chronic non-attendance criterion.
- Referral to and involvement of local support services personnel is a mandatory requirement in order to move towards the prosecution process.
- The Department for Education and Child Development (DECD) will only consider prosecution of a parent in cases where it is determined to be in the best interest of the child; all other interventions have been unsuccessful; and fair warnings have been provided.
- Fair warnings are given to families before undertaking this action.
- The process to put a case forward for prosecution involves considerable review of the circumstances of the non-attendance, the family context capacity, interagency collaborations and the outcome that might be achieved.
- Legal advice is also sought on whether DECD could proceed to prosecution under the *Education Act 1972* in relation to non-attendance.
- My approval is required under the law for the initiation of such an action.

Due to the complexity of the issues involved in non-attendance, many factors are taken into account when developing a plan to support re-engagement.

- There are a range of departmental and social policies in place to support the safety, wellbeing and learning success of children. These are all considered and applied in order to address the issues which may contribute to the non-attendance.
- The children and young people who are involved in this process are carefully monitored and supported by schools and support service personnel to ensure that they re-engage with education. The family is also offered and connected to appropriate support services.