HOUSE OF ASSEMBLY

Thursday, 28 February 2019

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:00 and read prayers.

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

Motions

ADELAIDE OVAL

The Hon. S.C. MULLIGHAN (Lee) (11:02): I move:

That this house moves to establish a select committee to inquire into and report on the impacts and benefits of the redevelopment of the Adelaide Oval, and in particular:

(a) the economic benefits of the redevelopment of Adelaide Oval;

(b) the financial benefits of the redevelopment of Adelaide Oval, including to which organisations the benefits are accruing;

(c) the impacts and benefits to the South Australian Cricket Association, the Adelaide Football Club and the Port Adelaide Football Club;

(d) the corporate governance of the Oval, including the Stadium Management Authority;

(e) the legislative, regulatory and other legal frameworks governing the Adelaide Oval, and any opportunities for improvement;

(f) any opportunities to improve the functions, benefits and operation of the Oval; and

(g) any other related matters.

It is fair to say that from the time that I first put this motion for consideration of the house on the *Notice Paper* in early November, things have moved on somewhat and there have been 'some developments', if I can put it euphemistically. We have had the announcement by the government and the Stadium Management Authority of the proposal to develop a hotel facility, essentially to be built onto the eastern side of the Adelaide Oval. Indeed, there is some effort going on in this regard in the other place. I think I would not surprise too many members if I were to foreshadow that perhaps my motion may not be successful when we get to the point of putting it. Regrettably, I understand why, given those developments.

I want to take the opportunity to talk about the Adelaide Oval, not so much the issue which has been ventilated quite a lot in the last two to three months, that is, principally about the proposed hotel development and the government's $42 million loan to facilitate it, but about the precursor to that announcement, the development of the Oval itself over the period from 2011 to the very beginning of 2014 and what we have seen since that development which has been successfully delivered.

Many members will be aware that the history of the redevelopment of the Oval has been told many times. In fact, if success has many fathers, then the redevelopment of Adelaide Oval finds itself perhaps like Julius in *Twins*, with many, many fathers claiming responsibility. We have not only someone with whom I am well acquainted, the former member for Port Adelaide, the Hon. Kevin Foley, but also the former member for Waite, the Hon. Martin Hamilton-Smith. We even have the Hon. Terry Stephens from the other place, who claims credit for the redevelopment of the Adelaide Oval, also known as—

The SPEAKER: He is very talented.

The Hon. S.C. MULLIGHAN: —'the builder'. It did have quite an interesting and chequered history, if I can put it like that. We got to the point that, in 2011, this parliament found itself considering a bill to enable $535 million of taxpayers' funds to be granted to the Oval and its custodians for the redevelopment and why that would be. We had for many years, an ongoing problem, particularly with

football, but also with cricket here in South Australia, where we had an ageing facility at Football Park, which continued year on year to attract fewer and fewer patrons to attend AFL fixtures, as well as SANFL fixtures. We were having a similar problem here in the city with the Adelaide Oval and the South Australian Cricket Association, again, with an ageing infrastructure, struggling to attract crowds to predominantly cricket fixtures, but as well, from time to time, other fixtures hosted at the Adelaide Oval.

There had been many discussions facilitated by both sides of politics here in South Australia about what could be done about the situation. We had proposals for developments of new facilities in different parts of the city. We had a proposal funded at one point by the former Labor government for improvement of some of the facilities at Football Park. Nonetheless, which of the ovals or Julius's parents think they were responsible for the final proposal, we found ourselves considering the redevelopment of the Adelaide Oval on the footprint that we have always been familiar with.

It caused some consternation, particularly amongst the community, but also amongst South Australian Cricket Association members who ostensibly, through their organisation, were the custodians of the Oval. Beyond those members, taxpayers thought why, once again, are South Australian and, indeed, commonwealth taxpayers, providing more and more money for the redevelopment of these facilities? There had been contributions towards the Chappell stand, there had been contributions towards the redevelopment of the western grandstand, yet here we were once more with a $450 million redevelopment of the remainder of the Oval, as well as an $85 million grant to pay for the works that had already been completed on the western grandstand.

This parliament took the view that it was appropriate for a wholesale redevelopment of the facilities and provided $535 million for that purpose. It placed some requirements and restrictions on what could and could not be done in the precinct and also how much could be done over a time frame expanding 10 years, from December 2009 to December 2019.

Given that football would be required to move from its base at Football Park into the city, there had to be some sort of management arrangement arrived at between the very different football interests and cricket interests, which seem to have a history of not being able to get along and agree on how they could possibly share premises, let alone the operational responsibilities and any financial benefits that might come along with some arrangement.

Between the two organisations, shepherded by their leaders, at the time the Hon. Ian McLachlan, from the South Australian Cricket Association, a former federal minister, as well as Mr Lee Wicker, then the Chief Executive of the South Australian National Football League, an agreement was formed to create a new incorporated organisation under the Corporations (South Australia) Act, the Stadium Management Authority.

The Stadium Management Authority would comprise an equal number of delegates from both those organisations, the SANFL and the SACA, and come up with some sort of amenable regime where there would be some rotation in the chairing of that body so that there could be no assertion that one body was gaining more influence in this new organisation over the other. At the time, it was seen as a necessary compromise and not necessarily a flawed compromise. There is nothing inherent within the structure of the Stadium Management Authority, as it was initiated, that should lead to any problems with the management and the superintendence of the Oval.

We had a bit of a soft launch at the end of 2013 for that Ashes series that came to South Australia when not everything was complete. Other members might remember if they attended that test, walking across the footbridge, which had not yet been paved. There were still some works going on at the Oval itself. But it was evident from that Ashes Test match, which was played there, that the redevelopment was going to be a tremendous success.

Then we saw on 28 March 2014 possibly one of the greatest football games played at Adelaide Oval in the first round of that season for the Adelaide and Port Adelaide football clubs, when Port Adelaide was victorious over their lesser cross-town rivals. There was much to be celebrated on that day! The success of that day, with more than 52,000 people attending that game, continued on for the rest of that season and beyond into the 2015 season and so on, as we have seen over the next five years.

In fact, crowd numbers and attendance levels have been so strong that, both for Crows and Power games, they have easily surpassed the initial financial model that was drawn up by the SANFL and the two football clubs for what they could anticipate at the Oval. They were 'shooting the lights out' to use a common expression when it came to attracting crowds and then, of course, revenues to the Oval. This facilitated a substantial uplift in the revenues for the Oval and enabled the SANFL to make sure that they had not moved their location from Football Park to Adelaide Oval at any financial loss, but it also provided some capacity for financial uplift for the two football clubs.

That is really one half of what the redevelopment was all about: making sure that not only do we have a fantastic redeveloped nation-leading stadium at Adelaide Oval but that our two major sporting codes playing there, football and cricket, would be left financially significantly better off so that they could invest in their own sports, invest in their own grassroots communities and have a strong and viable future and that we could be sure in South Australia that our clubs had everything they needed to compete, not just at the highest level but successfully in finals, for example.

That has certainly been the case. There have been uplifts for the SANFL and, after much complaint from the two AFL clubs in South Australia, both the Crows and the Power, there have been amendments made to the stadium deal, as it is called at Adelaide Oval, to make sure that, of the very significant uplift in revenues the Oval is experiencing, those two football clubs are doing better than they were out of the stadium deal they had at Football Park. But that did not end the complaints.

There have been ongoing concerns raised by the two football clubs, by the members of the two football clubs, by board members of the two football clubs, that those two football clubs are not doing as well as they should, given how financially successful the Oval has been performing. To a lesser extent, that has also been reflected by South Australian Cricket Association members, as well as South Australian Cricket Association board members, hence the reason this motion was raised by me in this place. After five years, it was about time we had a look at this arrangement and this issue. We will get some answers on how much money is actually being generated at the Oval and, importantly, to the question: where is that money ending up?

One of the protections we put in the legislation is that the Auditor-General is required not only to report every six months on whether the $535 million set aside by this parliament for the development has been spent appropriately and according to law but to audit the finances of the Stadium Management Authority. Without diminishing the efforts of auditors-general going back for at least the past five years, we have seen very simple, very cursory reports into the Stadium Management Authority's finances, basically an assurance that the level of income they receive, the level of expenditure going out, the effect on their balance sheet and their reported cash flows have been accurately reported.

There has not been that next level down of detail, which is of crucial importance; that is, what is actually happening, particularly with all that money flowing out of the Stadium Management Authority? Since the efforts commenced in the other place, we have started to see some—not enough, but some—information about how much is being raised and where that money is going. We have been told by the Stadium Management Authority that over five years we have seen $80 million go to the SANFL. The SANFL claim that is not actually money for them: that is money that goes to grassroots football, which I find interesting.

Like all my fellow members of parliament, I have South Australian amateur league football clubs in my electorate—indeed, many members opposite have Hills and country league football clubs—which have no relationship whatsoever with the SANFL. I am looking forward to hearing the SANFL justify their deep and financial connection to grassroots football because there does not seem to be a clear connection, let alone financial flow to them through any of those three channels. The SANFL claims that the $80 million is money that goes to the Power and to the Crows as well. On the face of it, that does not seem to be the case, so we are looking forward to getting some answers there.

What we are trying to do is shed some light on whether the intentions of this parliament have actually been met. Has the redeveloped Oval proved a financial success—yes—and, once that financial success has been achieved, is the money going where it was intended? That is, does it make sure that the AFL football clubs and the grassroots football that we were hoping to support,

and then the same arrangements on the side of cricket, are actually being financially supported, or is this just going to the back pocket of the SANFL and other interests and not flowing back to the community?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (11:17): I rise to say that the government will oppose this select committee on one simple basis, and that is that the upper house, on the motion of the Hon. Ian Hunter, moved a select committee with substantially the same terms of reference as those being inquired into here. That select committee is established and, as the member for Lee has pointed out, is currently underway. Its terms of reference are to inquire into:

(a) The economic and financial benefits of the redevelopment of Adelaide Oval, including to whom the benefits are accruing;

(b) The operations and financial management of the Adelaide Oval;

(c) The corporate governance of the Oval, including the Stadium Management Authority;

(d) The financial returns to the South Australian National Football League, the South Australian Cricket Association, and the Adelaide and Port Adelaide Football Clubs;

(e) The financial contributions into the Oval infrastructure and into the broader sporting community from the Oval's operations;

(f) The proposed hotel development at the Adelaide Oval, and the process by which the Government considered the proposal at approved financing the proposed hotel development;

(g) The impacts on the hotel industry in Adelaide of the proposed hotel development;

(h) The legislative, regulatory and other legal frameworks governing the operations of the Adelaide Oval, and any opportunities for improvement;

(i) The impact of the Oval and its operations on the surrounding parklands and the legislative, regulatory and other legal frameworks governing further development in the parklands; and

(j) Any other related matters.

I think that those terms of reference are broad enough to encompass not only the more limited terms of reference being canvassed in this select committee but also, I assume, the subsequent hotel development, which came out after the point in time at which the member for Lee proposed this select committee to this house.

It is quite interesting, certainly, hearing the member for Lee's speech. They set up the deal into Adelaide Oval. It was one of the crowning glories of the Hon. Kevin Foley at that time. He boasted in a podcast about how he had managed to hide the cost blowout from everybody, including the South Australian people and almost all his cabinet colleagues, in the lead-up into the 2010 election. He was quite boastful about that.

It does seem that the member for Lee, especially in his rhetoric, is potentially trying to trash the legacy of the Hon. Kevin Foley and the work he did to get the Adelaide Oval hotel development off the ground and essentially would like this select committee to go through and forensically analyse the deal that the then treasurer put together, in whose office I may or may not understand the member for Lee was working at the time. I find it quite peculiar that Labor now wants to distance itself from the Adelaide Oval redevelopment and the deal that surrounds that. Who would know?

I think all these issues can be well ventilated by members in the upper house; indeed, they are doing so at the moment. I think that as good Liberals we do not want to see red-tape duplication and unnecessary bureaucracy, and we would consider that one select committee into these issues is enough. Certainly, there was much insinuation in the member for Lee's speech to potentially question the probity of the operations of the Stadium Management Authority and the other organisations involved with it.

The member for Lee also mentioned the fact that the Auditor-General does actually look at the redevelopment of Adelaide Oval and the $535 million and the circumstances in which that money is being spent. I cannot be 100 per cent certain because I have not done the research, but I am fairly sure that that would have been an amendment that the Liberal then opposition would have put in

place as well as the hard $535 million cap. Again, that is an avenue the then Liberal opposition put in place to make sure that there was proper scrutiny of this deal.

A report was tabled in this place not two days ago that identifies where the Oval is at and gives a very full and frank account of how that redevelopment has occurred to make sure that this redevelopment has taken place in compliance with the act that was put through this house at that time.

I think that the member for Lee, if he had wanted this select committee to have primacy, maybe should have sought to bring it on earlier or had a discussion with his colleague Ian Hunter in the other place. Whether or not the Hon. Ian Hunter has trumped the member for Lee, either way there is a select committee that is ongoing. It has the opportunity to delve into these matters, I would consider, to an even greater extent than the terms of reference being applied here. I think that one select committee into this issue is enough and that we would not want to waste this parliament's very valuable time on a duplicate select committee.

The Hon. S.C. MULLIGHAN (Lee) (11:23): I thank the member for Schubert for his contribution. As much as I enjoy being patronised by my juniors, I do appreciate it being done from a basis of fact. He is right in one respect: he has not done the research on this matter. If he had done the research in this matter, then he would realise that the Stadium Management Authority and the act were shepherded through both houses of parliament under the stewardship of the responsible minister of the time, the minister for infrastructure, the Hon. Patrick Conlon. The records show, of course, that after the unfortunate lapse of memory of the Hon. Kevin Foley over the course of the 2010 election that it was perhaps best that the Hon. Mr Conlon took stewardship of it.

I can appreciate the government's perspective on this particular motion. Indeed, I pointed out earlier that it was with no firm expectation of this house's support for this motion that I rose today to speak to it, given the developments of the efforts in the other place. But I do want to make one more serious point, and that is that, as I was at pains to say in my earlier remarks, there should not be anything inherently wrong with the arrangements in place for the management and the stewardship of the operations of the Oval, but this parliament should be asking pointed questions about whether the current management is ensuring that the parliament's desires, back in 2011 when that bill was passed, are being met.

You do not have to go too far in South Australia to be approached by somebody who has a genuine belief, and a belief that exists with some basis, that our football clubs are not getting what they should, given the financial success of the Oval, that our Cricket Association and their clubs, for example, the Redbacks, the Adelaide Strikers, the premier turf association—

Mr Cowdrey: Scorpions.

The Hon. S.C. MULLIGHAN: —the Scorpions, thank you, member for Colton—and whether all those organisations are getting as much as they should, given the extraordinary success of the Oval. It is absolutely imperative that, having made such an extraordinary commitment—and there can be no doubt that in excess of half a billion dollars is an extraordinary commitment to pay over to a private organisation for this purpose—we make sure that the outcomes this parliament desired are being delivered.

I appreciate the government's approach in the establishment of the efforts in the other place. They not only supported it—I am not sure how enthusiastically—but they are attendant on the committee, including the Hon. Mr Stephens, getting to see the growth of his cherished child and how it is going. just as it enters school age after five years. But, coming out of it, there is a very serious matter—that is, making sure that the SMA is doing the right thing.

We have to be prepared, if the Stadium Management Authority is found not to be doing the right thing, if they are not ensuring that the financial benefits of the Oval are going to those that this parliament intended, for this parliament to consider some rectifying action. That will be a big call for us to contemplate, but an important one.

Our predecessors have made that extraordinary contribution, and if it is not delivering then it will be up to this place to ensure that we take corrective action to ensure that the Stadium Management Authority is delivering. I would hope that we get full, open, transparent and honest

cooperation for the Stadium Management Authority so that we can get to the bottom of where all the money is going, and I look forward to progressing the efforts in the other place to get to the bottom of it.

Motion negatived.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: NORTH-SOUTH CORRIDOR REGENCY ROAD TO PYM STREET PROJECT

Mr CREGAN (Kavel) (11:28): I move:

That the 10th report of the committee for the Fifty-Fourth Parliament, entitled North-South Corridor Regency Road to Pym Street Project, be noted.

The north-south corridor is the major route for north and southbound traffic in Adelaide and runs 78 kilometres between Gawler and Old Noarlunga. Mr Speaker, you will be closely familiar with that corridor, as I am sure will other members of this house, and no doubt many of us have travelled it in our own time.

This project involves the design and construction of a new 1.8-kilometre section of nonstop motorway along South Road between Regency Road and Pym Street. When finished, the project will complete a 47-kilometre nonstop motorway between Gawler and the River Torrens. Fifty per cent of the funding for the project will come from the state government and 50 per cent from the commonwealth government. The project will address an existing traffic bottleneck which involves congestion and delays, particularly at the South Road and Regency Road intersection. The estimated total cost of the project is $354.3 million, and it is anticipated that it will be completed in 2022.

The Public Works Committee has examined written and oral evidence in relation to the project, and the committee has been assured by Department of Planning, Transport and Infrastructure officials that acquittals have been received from the Department of Treasury and Finance, the Department of the Premier and Cabinet and the Crown Solicitor that the works and procedures are lawful.

The committee is satisfied that the proposal has been subject to the appropriate agency and consultation oversight and meets the criteria for examination of projects as described in the Parliamentary Committees Act 1991. Based on the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee recommends the scope of the proposed public works.

Mr PATTERSON (Morphett) (11:31): I rise to speak on this report, being a member of the Public Works Committee as well. The report examines the history of the proposal and the efficacy of the application of South Australian taxpayer funds to the north-south corridor in the section from Regency Road to Pym Street.

The north-south corridor is one of Adelaide's most important transport corridors. It is the major route for northbound and southbound traffic and runs for a total distance of 78 kilometres from Gawler to Old Noarlunga. There has been significant work done on that, such that by the end of 2019, with the Northern Expressway already being completed, the Northern Connector due for completion in late 2019 and the South Road Superway as well as the Torrens Road to River Torrens Project, it will create a continuous motorway from Gawler to the River Torrens, five kilometres west of the Adelaide CBD, except for that one small section of South Road between Regency Road and Pym Street.

Of course, we would all understand that this would create a bottleneck going from that smooth-flowing Northern Expressway and arriving at that bottleneck section, resulting in congestion, delays and unreliability, particularly at the South Road-Regency Road intersection. The actual project itself will include the design and construction of this new 1.8-kilometre section. It will be nonstop along South Road, again, with the end goal of having nonstop traffic flow for the whole 78 kilometres.

The new Regency Road to Pym Street motorway will connect the completed motorway sections, as I said, to the north of Regency Road, being the South Road Superway, through to the

recently completed motorway section, the Torrens Road to River Torrens Project, which terminates just north of Torrens Road.

On completion of this small section, the project will complete a 47-kilometre nonstop motorway between Gawler and the River Torrens. That leaves the final section, which we have spoken about in this chamber before, possibly the trickiest element of the whole envisaged project. Nonetheless, this is an important step in the long-term vision for South Road.

In May 2018, the commonwealth and state governments announced a joint funding commitment to the Regency Road to Pym Street project, and we have heard the Minister for Planning, Transport, Infrastructure and Local Government outline how one of his very first actions, once he became a minister, was to set about repairing the relationship between the federal government and the state government. This announcement, made in May, was one example of that.

The estimated total cost of the project is $354.3 million, and it is expected to be completed by 2022. As I mentioned, the project will be jointly funded on a fifty-fifty basis by the commonwealth and state governments. It really forms part of an overall commitment to deliver the nonstop, north-south corridor, which has been endorsed by Infrastructure Australia as a priority project on its national Infrastructure Priority List.

At the time of the announcement in May, there was some criticism by those opposite about the fifty-fifty deal and that somehow South Australia should have done better than this, that the fifty-fifty arrangement, which in metropolitan is standard, is somehow inappropriate and maybe we should have gone for a bigger funding model, say 80:20, when at the same time the Torrens to Torrens stretch immediately south was at fifty-fifty as well.

Really, the deal done by the minister was about getting things moving. As I said, the federal government was prepared to put $177 million on the table, so this government, a grown-up government, matched it to deliver this 1.8-kilometre link. Realistically, this is what motorists want. They do not want grandstanding, beating your chest and saying that we could have done an 80:20 deal. They wanted the construction to commence so that it could be finished by 2022 to alleviate congestion, and that is what this project seeks to do.

In fact, there are many key aims for this project. One is to provide an important piece of infrastructure as part of Adelaide's nonstop north-south corridor, and another is to protect and provide freight priority consistent with the National Land Transport Network link. This is productive infrastructure that will benefit many businesses throughout Adelaide. It will help reduce congestion on the road network, thereby improving travel time, and help reliability and vehicle operating costs along Adelaide's north-south corridor. It is not only for freight but for all road users as they go about their business, whether it is on their way to work or on their way home from work or leisure.

The project will also aim to significantly improve safety and travel efficiency with the north-south, nonstop free-flow roadway and, at the same time, look to minimise where practically possible impacts to the travelling public, their business operations and the wider community during construction. It involves 1.8 kilometres of existing road, so it does necessitate disruption and trying to ameliorate that as best as possible.

We also need to maintain local access for the community. We do not want this being a big divide between either side of the road. We want there still to be a connection for the community so they can move through this and it does not become a physical barrier, as some older designs tend to do—not so much in road but in rail or in stormwater infrastructure. Another aim is to take into account community and stakeholder needs and expectations and, as I said, to keep them using and connected. These works also aim to help achieve strategic outcomes and objectives for the South Australian and Australian governments.

Another benefit and outcome this project is expected to provide is, as I said, a continuous 47-kilometre nonstop section of the north-south corridor between Gawler and the River Torrens. The expected travel time saving, which I mentioned before, is up to eight minutes during peak periods, which is quite significant for a stretch of 1.8 kilometres. There will also be, on average, a saving of 4.5 minutes at other times, during non-peak, on South Road between Regency Road and Pym Street. It certainly will avoid north-south delays at the two signalised junctions. In the report, it is envisaged

that there will be an overpass over Regency Road, at the Regency Road and South Road intersection.

Some of the other sections of upgrades feature underpasses. Anzac Highway has South Road being an underpass. In terms of other benefits, it will certainly provide efficient and reliable travel, promote active travel, link communities together and provide a safer road network for all road users, not only drivers but also passengers, motor cyclists, cyclists and pedestrians. It will certainly allow more efficient access to and from the key freight areas of the National Land Transport Network in Port Adelaide.

We spoke yesterday about the significant investment that the federal government is putting into the naval shipbuilding industry—$90 billion—and the effects that will have on employment. The ability to bring in businesses from all over Adelaide, not just the Port Adelaide/Osborne region, will rely heavily on this north-south corridor. It will certainly generate confidence in the business community as well.

In the last minute I have available, I point out that the breakdown of the proposed expenditure has some land acquisition costs of $39 million, construction of $299 million and project and contract management of $16 million, with peak spending of $141.1 million in 2021. In summary, the Public Works Committee will continue to monitor the progress of the north-south corridor Regency Road to Pym Street project as required. Based on the evidence considered and pursuant to section 12C of the Parliamentary Committees Act, the Public Works Committee reports to parliament—which we are doing here now—that it recommends the proposed public work.

Mr MURRAY (Davenport) (11:41): I, too, rise to note and support the adoption of the north-south corridor Regency Road to Pym Street project consisting of part of the north-south corridor. I will not labour the points already made by the member for Morphett regarding the minutiae of the project itself. Suffice to say, it will complete, as he has already outlined, a 47-kilometre nonstop motorway between Gawler and the River Torrens.

Mr PATTERSON: Point of order, Mr Speaker: 113. I think the member is allowed 10 minutes to speak.

The SPEAKER: He is. Thank you, member for Morphett. The member for Davenport has the call.

Mr MURRAY: I thank the member for Morphett for his contribution.

An honourable member: Back to the minutiae.

Mr MURRAY: Yes, there may be a few more minutiae than previously anticipated, but we will plough on nonetheless. My congratulations to the member for Morphett on his command of standing orders.

Members interjecting:

The SPEAKER: Front and centre—perfect timing.

Mr MURRAY: Front and centre. Although I do note that the member for Lee and the member for Hammond were congratulating each other on Port Adelaide's win, whenever that was—first game at the Adelaide Oval. I switched off, but I did note that the member for Morphett ceased and desisted from exposing us to yet more of a run-through of his goal-kicking prowess and who he kicked his first goals against.

As has been outlined, this particular project continues to build on the north-south corridor. It strikes me as an opportunity to revisit a lesson that I suspect has been well learned but nonetheless does bear fresh consideration. By way of introduction, the estimated total cost for this part of the project is $354.3 million. As has been pointed out, it is jointly funded on a fifty-fifty basis by the commonwealth and state governments.

I want to draw attention to the fact that it helps complete a 47-kilometre section of the motorway, which is designed in turn to be part of the 78 kilometres between Gawler and Old Noarlunga. The north-south corridor is in many respects the sole remaining remnant of the MATS plan. With the indulgence of the house, having done some quick sums beforehand, I suspect the

member for Mawson might be old enough to recall the MATS plan, and the member for Hammond definitely is old enough , which was released in 1968. I think you were but a mere babe, member for Mawson.

The Hon. L.W.K. Bignell: I was two.

Mr MURRAY: You were two? There we go. I believe the member for Hammond had started high school by then. As a five year old at the time, I have a very clear recollection of living in a house in Darlington, which my mother took great care to explain to me we could not stay in because it was about to be demolished as it had been acquired by the government. This particular home, members will be interested to note, still stands to this day, albeit quite close to what is now the Southern Expressway.

An enormous amount of land was acquired as part of the MATS plan. In the context of decision-making to this day about how to complete this north-south corridor, I thought it would be worth revisiting what was contemplated with the MATS plan and, in particular, its slow and agonising death and, I would argue strongly, the cost that has been imposed on today's South Australian taxpayer. The MATS plan, as I said, was released in 1968 and envisaged a total of 98 kilometres of freeway. The plan envisaged a north-south freeway from Salisbury to Noarlunga, with an objective travel time of about 30 minutes for that trip.

The member for Morphett will be delighted to learn that the original plan called for the abolition of the Glenelg tram and instead replacing it with the Glenelg expressway. Probably the most controversial part of the then proposal was that the suburb of Hindmarsh was going to be the site of an interchange between four freeways, which, with the resultant planned LA-style spaghetti interchange, would have effectively obliterated the suburb of Hindmarsh. There was going to be a Port Adelaide freeway essentially running along what is still Port Road.

As a southern suburbs MP, I am particularly interested in the proposed foothills freeway, which would have run from about the corner of South and Sturt roads, up and across to the South Eastern Freeway and through Belair. There was a Modbury freeway, which has now found form as the O-Bahn. The location of the King William Street subway was subsequently subsumed by the Adelaide Festival Centre.

The key point is that the cost for all that work in its entirety—the acquisition of land and construction costs—was, in 1968 dollars, $436 million, which in round terms, in 2010 at least, was about $4½ billion. Whichever way you look at it, notwithstanding the desirability or lack of desirability of some of what was proposed in the late sixties, clearly, had we proceeded, it would have arguably been far cheaper than is currently the case.

As I said, enormous amounts of land were acquired as part of the MATS plan, which, for the benefit of those interested, is the Metropolitan Adelaide Transport Study. Its death was protracted, considering where we currently are, the money we are spending and the discussions we are having about land acquisition and whether or not we have tunnels under South Road.

The plan, having started life in 1968, was comprehensively nixed or put on life support with the advent of the Dunstan government in 1970. In fairness to that government, in 1980, with the advent of a Liberal government, that Liberal government continued unravelling the plan and commenced some land sales other than land acquired along the north-south corridor. In 1983, the then Bannon Labor government formally abandoned the north-south corridor as well and in so doing unravelled the final part of the MATS plan, and in particular the land that had been acquired so as to enable the north-south corridor.

In endorsing this report, I would just like to make a point. As I said, I have vivid memories of being a five year old wondering why it was that the house we were in had been acquired by the government and they were going to knock it over. Looking back now, many years later, that home is still there. The lessons of history are that those who refuse to acknowledge what has occurred in the past are almost inevitably compelled to revisit the mistakes in the future.

In providing that admonition to be mindful of the history of this road and the expenditure on it, and the increased cost to us by virtue of the prevarication and political expediency that have typified this road project, I would like to add my voice to the points that we are satisfied that the

acquittals required have been received and that the committee is satisfied that the project in all aspects has been subjected to the appropriate consultation. It meets the criteria for examination of projects set out in the act . The committee was unanimous in its support of the project. As a result, I lend my support to the noting of the project itself.

Mr CREGAN (Kavel) (11:51): I thank the member for Davenport and the member for Morphett for their assistance in the parliamentary committee's examination that led to the preparation of this report. I also thank the parliamentary officers who assist us so well in the discharge of our duties and the witnesses who appeared and gave necessary and important evidence to us.

Motion carried.

PUBLIC WORKS COMMITTEE: MODBURY HOSPITAL UPGRADES AND ADDITIONAL SERVICES PROJECT

Mr CREGAN (Kavel) (11:52): I move:

That the 11th report of the committee for the Fifty-Fourth Parliament, entitled 'Modbury Hospital upgrades and additional services project', be noted.

I say at the outset, though, that I listened carefully to the member for Davenport's submissions in relation to the MATS plan and the ingredients of that plan, and we are all the beneficiaries of his knowledge, including his recall of the many paths we might have travelled into the Hills had $4½ billion been made available in the sixties. Of course, it was not then available—an enormous sum then and an enormous sum today.

Also important were his reflections on the relative youth of members present here. Where does he gather such information? I think few of us would have the courage to reflect on such matters, but I am grateful that he is a courageous member in this place. Modbury Hospital is part of the Northern Adelaide Local Health Network and provides acute and community services for over 400,000 residents living in the northern metropolitan area of Adelaide, as well as providing tertiary healthcare services to a wide catchment area.

Most of the existing building infrastructure at Modbury Hospital is nearing 50 years old, and the project will deliver upgrades to a range of high priority areas, including expansion of the acute surgical unit, development of the extended emergency care unit, a new short stay general medical unit, the redevelopment of the palliative care unit, the establishment of a four-bed high dependency unit, an upgrade to the main tower building facade and infrastructure upgrades to major engineering and building services. Those works are important and we took evidence in relation to them. The estimated total cost of the project is $96.581 million and the project is expected to be completed by late 2022.

The Public Works Committee has examined written and oral evidence in relation to this project, and the committee has been assured by SA Health officials that acquittals have been received from the Department of Treasury and Finance, the Department of the Premier and Cabinet and the Crown Solicitor that the works are lawful and the procedures in relation to them.

The committee is satisfied that the proposal has been subject to the appropriate agency consultation and meets the criteria for the examination of projects as described in the Parliamentary Committees Act 1991. Having formed that view and having taken the benefit of evidence, based on that evidence and considering and pursuant to section 12C of the Parliamentary Committees Act 1991 the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr BOYER (Wright) (11:55): I rise to make some very brief remarks about the 11th report of the Public Works Committee, entitled 'Modbury Hospital upgrades and additional services project'. Can I firstly say that I am pleased to see the project funded and begun by the previous Labor government being continued by this government now. That is objectively a good thing for people in the north-east.

The project includes the following additional and upgraded services: an expanded acute surgical unit, an extended emergency care unit a new short stay general medical unit, a new purpose-built palliative care unit, and significant engineering and building service upgrades, including to the

facade of the building and the very old lifts inside. There was one other project that the report mentions, and that is the addition of a high dependency unit. I will touch upon that in a moment.

Page 6 of the report outlines a number of key dates for this project, including funding. I think it is important to recognise accurately the history of this project. Majority funding was secured in two parts: firstly, in the 2017-18 state budget, in which the previous government delivered $9.175 million for the establishment of an extended care unit, and then, following much consultation with doctors, nurses, clinicians and members of the public, a further $82.4 million was delivered in the 2017-18 midyear budget.

In the 2017 calendar year, the former Labor government delivered over $91 million for Modbury Hospital and in doing so acknowledged the significant role the hospital plays in the north-east and, more broadly, in the South Australian health network. I would like to take this opportunity to thank the member for Croydon, the now Leader of the Opposition, who was health minister in 2017 and who initiated a review into what services Modbury Hospital could safely provide that led to this funding being delivered.

A significant consultation period followed, guided by the member for Croydon, and I was pleased to play a small part in that as the then candidate for the seat of Wright. That consultation engaged not just clinicians but also residents of the north-east and sought their views on what services they wanted to see delivered at their local hospital. I remember those consultation meetings very well. There were probably 50 or more clinicians from the Northern Adelaide Local Health Network, plus reps from various state-run services, including the Australian Medical Association. The member for Florey was also there with her local action group members.

A number of constructive ideas were discussed: not just what services the hospital had scope to deliver but also the services the hospital did not have scope to deliver. There was a lot of media speculation around a high dependency unit. Up until 2016, Modbury did have a small HDU. The service was closed on the back of clinical advice, the same clinical advice the now Minister for Health told the chamber still exists in relation to the proposal to return an HDU.

Those concerns include the need to establish specialist care to support an HDU; the ongoing need for patients to be transferred to the Lyell McEwin or Royal Adelaide Hospital for specialist care following high dependency unit care; the risk of staff choosing to manage seriously unwell patients on site rather than transferring them to a more appropriate setting; recruiting staff to the Modbury HDU in the past had been problematic; the potential low volume of patients requiring the HDU may mean that clinicians are unable to maintain the skill set they need to safely care for patients in that setting; a small HDU at Modbury Hospital would not be accredited for training by the College of Intensive Care Medicine, making it difficult to attract appropriately skilled staff; and smaller high dependency units often have worse clinical outcomes than larger units.

Of course I would happily support the establishment of any new service at our hospitals, assuming it can be delivered safely. One need only doorknock for 15 minutes in the north-east to quickly realise people want more services in their local hospital. That is a fact. The minister still has not—

An honourable member interjecting:

Mr BOYER: I did deal with that. The member for Colton said it was not safe.

Members interjecting:

The SPEAKER: Order!

Mr BOYER: I do not pretend to be a medical expert, unlike you opposite.

The SPEAKER: Member for Wright, I am just conscious of time. I am in the house's hands here.

Mr BOYER: I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

NATIONAL ELECTRICTY (SOUTH AUSTRALIA) (RETAILER RELIABILITY OBLIGATION) AMENDMENT BILL

Introduction and First Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (12:01): Obtained leave and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996. Read a first time.

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (12:01): I move:

That this bill be now read a second time.

The government is delivering an important national reform, the Retailer Reliability Obligation, which is a mechanism designed to ensure the electricity system operates to reliably meet electricity demand at the lowest cost. The Retailer Reliability Obligation is designed to incentivise retailers and other market customers to support the reliability of the National Electricity Market through building on their contracting and investment strategies that underwrite investment in dispatchable capacity by encouraging earlier and longer term contracting.

If a forecast supply shortfall is identified, this would trigger an obligation on electricity retailers to demonstrate their contracting can meet their share of peak demand one year in advance. The status quo is not an option. A number of factors have complicated long-term investment decisions in the National Electricity Market. This initiative will ensure the reliability of the system is maintained at the lowest cost. The Retailer Reliability Obligation is designed to give confidence to all stakeholders that sufficient dispatchable power will be available when required as the National Electricity Market transitions.

Ensuring that competition is not undermined has been a key consideration in the development of the Retailer Reliability Obligation. The National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Bill 2019 seeks to implement the framework for the Retailer Reliability Obligation through amendments to the National Electricity Law set out in the schedule to the National Electricity (South Australia) Act 1996.

The amendment bill provides for further regulatory requirements related to the Retailer Reliability Obligation to be set out in the National Electricity Rules. To ensure the complete regulatory package can be commenced at one time, the amendment bill provides for the South Australian minister to make the initial set of National Electricity Rules relating to the Retailer Reliability Obligation. Once the initial set of National Electricity Rules has been made, the minister will have no power to make any further rules or code.

The amendment bill provides that a person who is a registered participant in relation to the activity of purchasing electricity directly through a wholesale exchange is a liable entity for the reliability obligation. It is intended that an initial set of National Electricity Rules will prescribe where a person who is a registered participant is not a liable entity as well as prescribe where a person exempted from the requirement to be a registered participant is a liable entity. Large electricity customers are not liable entities for the purposes of this bill; however, flexibility is provided for large electricity customers of a prescribed size to opt in to managing some or all of their reliability exposure.

The initial set of National Electricity Rules will prescribe the annual consumption threshold above which the customer will be eligible to opt in. It is also intended that the initial set of National Electricity Rules will set out a process for a non-liable person to opt in to the reliability obligation, including the time frames, form and process.

A key component of the Retailer Reliability Obligation framework is the determination of whether there are forecast reliability gaps in the future. The bill requires that each year the Australian Energy Market Operator undertakes forecasting on reliability gaps for future years. It is intended that this function, including the manner, form and time frames for forecasting information, will be set out in the initial set of National Electricity Rules.

A forecast reliability gap is linked to the National Electricity Market reliability standard. A reliability gap would occur where the forecast reliability in a region, in a given financial year, would result in the National Electricity Market reliability standard not being met to a material extent. It is intended that the initial set of National Electricity Rules will establish how the materiality of a gap between the South Australian Energy Market Operator's forecast for a region and what is required to meet the National Electricity Market reliability standard is determined.

Australian Energy Market Operator forecasts are over a 10-year outlook period, which provides the market with the opportunity to invest to address identified reliability gaps. The amendment bill provides for the triggering of the Retailer Reliability Obligation if the Australian Energy Market Operator continues to forecast a material reliability gap three years from the period in which it is forecast to occur. To trigger the Retailer Reliability Obligation, the Australian Energy Market Operator requests that a reliability instrument be made by the Australian Energy Regulator.

Importantly, the request to the Australian Energy Regulator will provide information about the forecast reliability gap, such as the region in which it is forecast to occur and the gap period. The purpose of triggering the Retailer Reliability Obligation is to put liable entities on notice of the period for which they may be required to hold net contract positions that are sufficient to meet their share of the one in two year peak demand forecast for the forecast reliability gap period. The Australian Energy Market Operator request to the Australian Energy Regulator is therefore required to outline the relevant trading intervals during the forecast reliability gap period.

The Retailer Reliability Obligation is triggered if the Australian Energy Regulator decides to make a reliability instrument. One of the key objectives of such a reliability instrument is for the market to have the right signals to contract and invest to minimise the likelihood of the reliability gap occurring. The amendment bill also provides the supplementary provisions related to the triggering of the Retailer Reliability Obligation, which are only to apply to South Australia, and are made through amendments to the National Electricity (South Australia) Act 1996.

In recent years, South Australia has experienced electricity supply events that have not been forecast by the Australian Energy Market Operator three years ahead of their occurrence. The amendment bill therefore provides for the South Australian minister to make a reliability instrument if it appears on reasonable grounds that there is a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on one or more occasions during a period.

Generally, the amendment bill requires the South Australian minister to make a reliability instrument three years ahead of the real risk of a disruption. This time frame would only allow the Retailer Reliability Obligation to contribute to reliability three years after the commencement of the provisions in the amendment bill. This is an unsatisfactory outcome for South Australian consumers, who have already experienced electricity supply events in recent years.

To address this concern, the amendment bill provides for a reliability instrument to be made 15 months ahead of the real risk of a disruption in the transitional years. It is the intention of the South Australian minister to assess whether there is a real risk of disruption to a significant degree as soon as the provisions in the amendment bill are commenced.

Ms COOK: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The Hon. D.C. VAN HOLST PELLEKAAN: If the South Australian minister intends to make a reliability instrument, the amendment bill requires the South Australian minister to consult with the Australian Energy Market Operator and the Australian Energy Regulator in relation to the instrument the minister proposes to make. The intention of this South Australian derogation is to better manage the risk that a reliability gap could emerge at any time across the 10-year forecast period that may not have been forecast by the Australian Energy Market Operator. It will also help manage any risks to maintaining reliability during the transition to the new reliability obligation framework.

Reporting by liable entities associated with the Retailer Reliability Obligation is not triggered unless a material reliability gap continues to be forecast one year out from when it is expected to occur. The amendment bill provides for the Australian Energy Market Operator to request a reliability

instrument to be made by the Australian Energy Regulator if it continues to forecast a material reliability gap one year from the period in which it is forecast to occur.

If the Australian Energy Regulator makes a reliability instrument, liable entities must ensure that their net contract position for the trading intervals prescribed in the instrument is no less than its share of the one in two year peak demand forecast for the forecast reliability gap period. The reliability instrument made by the Australian Energy Regulator will prescribe the date by which liable entities must report their net contract position. The amendment bill defines that qualifying contracts for the reliability obligation are directly related to the purchase or sale of electricity through the wholesale exchange and are entered into in order to manage exposure to spot-price volatility.

It is intended that the initial set of National Electricity Rules will describe other types of contracts that are qualifying contracts. The intent is to provide flexibility in the future to accommodate contracts that meet the policy intent. It is intended that the rules will also describe the types of contracts that are not qualifying contracts and establish how a liable entity's net contract position is to be determined.

The compliance regime associated with the Retailer Reliability Obligation is not triggered unless peak demand during a trading interval in the reliability gap period is more than the one in two year peak demand forecast for the reliability gap period. The bill provides for new civil penalty provisions in respect of the Retailer Reliability Obligation, with amounts not exceeding, for either a natural person or a body corporate, $1 million for a breach relating to a reliability gap period and $10 million for a breach that relates to a second or subsequent reliability gap period.

The amendment bill also provides for the Australian Energy Market Operator to be the safety net procurer of last resort for a region. If the material reliability gap remains one year from the forecast gap, the Australian Energy Market Operator may enter into contracts to secure electricity reserves for the reliability gap period prescribed in the reliability instrument. The National Electricity Rules will provide greater detail about this function.

It is intended that the initial National Electricity Rules will establish a cost recovery scheme for the Australian Energy Market Operator's procurer of last resort function. The intention of the scheme is to enable the Australian Energy Market Operator, in performing its procurer of last resort function, to recover the costs incurred from liable entities that have failed to contract sufficiently to cover their share of the one in two year peak demand forecast for the reliability gap period.

The bill caps the procurer of last resort costs that can be recovered from a liable entity at $100 million. The bill provides for expansion of the functions and powers of the Australian Energy Regulator in relation to the Retailer Reliability Obligation, including compliance audits by the AER. The Australian Energy Regulator will be required to make procedures and guidelines in respect of compliance with the Retailer Reliability Obligation.

I would like to put on record my thanks to my COAG colleagues for all the hard work they have put into this and, even more so, to the members of the ESB and relevant regulators: the Australian Energy Market Commission, the Australian Energy Market Operator, and the Australian Energy Regulator. Through the Energy Security Board, they have put enormous and massive effort into this through a very frustrating time over the last couple of years. I thank them for their work.

I thank my COAG colleagues for their support for this matter, including their support for the derogation provided to South Australia to give us an extra level of security, which, as I have explained in my second reading explanation, is certainly necessary for us in South Australia. I note the shadow minister for energy and mining's ongoing commitment to this house that any legislation that comes here supported by COAG will be supported by the opposition. I seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of National Electricity (South Australia) Act 1996

4—Insertion of Part 7A

This clause inserts Part 7A into the *National Electricity (South Australia) Act 1996* (as distinct from the *National Electricity Law* set out in the Schedule to the *National Electricity (South Australia) Act 1996*). New Part 7A proposes modifications of the application of the Retailer Reliability Obligation (set out in Part 2A of the *National Electricity Law*) within South Australia:

Part 7A—Retailer Reliability Obligation—South Australian modifications

19A—Modifications of Law in this jurisdiction—Retailer Reliability Obligation

Section 14I of the *National Electricity Law* is modified so that AEMO must request that the AER consider making a T-1 reliability instrument if the South Australian Minister has made a related T-3 reliability instrument under section 19B of the *National Electricity (South Australia) Act 1996*.

Section 14K of the *National Electricity Law* is modified so that the AER may make a T-1 reliability instrument if the South Australian Minister has made a related T-3 reliability instrument under section 19B of the National Electricity (South Australia) Act 1996.

The other modifications of the *National Electricity Law* set out in proposed section 19A are consequential on the above modifications.

19B—State Minister may make T-3 reliability instrument

The South Australian Minister may, by notice in the Gazette, make a related T-3 reliability instrument if it appears to the Minister, on reasonable grounds, that there is a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on 1 or more occasions during a period specified in the instrument. The Minister must consult with AEMO and the AER in relation to the instrument.

The section also sets out the content that must be included in the instrument, procedural provisions and transitional provisions relating to the Minister making instruments in respect of the first 3 years after the Retailer Reliability Obligation commences.

19C—Regulations

Power to modify by regulation the National Electricity Rules insofar as they apply as part of the law of South Australia is provided for.

Part 3—Amendment of National Electricity Law

5—Amendment of section 2—Definitions

Definitions are amended for the purposes of the measure. In particular, the definition of *civil penalty* is amended to include a breach of a reliability obligation civil penalty provision.

6—Amendment of section 2AA—Meaning of civil penalty provision and conduct provision

Certain provisions of Part 2A are prescribed as civil penalty provisions and another provision is prescribed as a reliability obligation civil penalty provision.

7—Insertion of Part 2A

New Part 2A is inserted:

Part 2A—Retailer Reliability Obligation

Division 1—General

14C—Definitions

Definitions are inserted for the purposes of the Part.

14D—Meaning of liable entity for a region

Entities liable under the Part for a region are set out.

14E—Process for non-liable persons to opt in to reliability obligations

The process for a person who is not liable under the Part to opt in to the reliability obligations for a region is set out (so that the person can assume another person's responsibility for the reliability obligations for the region).

Division 2—Reliability forecasts and instruments

14F—Annual forecast for reliability gaps

AEMO must perform functions related to annual forecasts for reliability gaps.

14G—Meaning of forecast reliability gap, forecast reliability gap period, T-3 cut-off day and T-1 cut-off day

Certain definitions are set out for the purposes of the measure.

14H—Rules must provide timetable for reliability forecasts, requests and instruments

The National Electricity Rules must set out certain matters, including timetables for reliability forecasts, requests and instruments.

14I—AEMO must request reliability instrument

AEMO must request a reliability instrument in certain circumstances and if satisfied of certain matters (the provision applies to both a T-3 reliability instrument and a T-1 reliability instrument).

14J—AEMO may correct request for reliability instrument

This provision is technical.

14K—AER may make reliability instrument for a region

The AER may make reliability instrument for a region in certain circumstances and if satisfied of certain matters (the provision applies to both a T-3 reliability instrument and a T-1 reliability instrument).

14L—Reliability instrument has force of law

This provision is technical.

14M—Failure to comply with consultation obligation does not affect validity

This section provides that a failure by the AER to undertake consultation under the Rules does not invalidate or otherwise affect a reliability instrument.

Division 3—Reliability obligations

14N—Application of Division

This section provides for how Division 3 applies in relation to a T-1 reliability instrument for a forecast reliability gap in a region that applies to liable entities.

14O—Meaning of qualifying contract and net contract position

The terms *qualifying contract* and *net contract position* are defined for the purposes of the Division.

14P—Obligation to report net contract position

Each liable entity is required to give the AER a report about the liable entity's net contract position.

14Q—Adjustment of net contract position after contract position day

Liable entities may adjust their net contract position after the contract position day.

14R—Obligation to have contracted sufficiently for one-in-two year peak demand forecast

A key Retailer Reliability Obligation is set out, namely that if the peak demand is more than the one-in-two year peak demand forecast for the reliability gap period during a stated trading interval in the reliability gap period, a liable entity's net contract position must not be less than the liable entity's share of the one-in-two year peak demand forecast for the trading interval determined in accordance with the Rules.

14S—Obligation to maintain net contract position

The National Electricity Rules may require a liable entity to maintain its net contract position for a certain period.

Division 4—AEMO as procurer of last resort

14T—AEMO may recover costs for procurer of last resort function

The National Electricity Rules may provide for a cost recovery scheme that allows AEMO to recover the costs AEMO incurs as the procurer of last resort for a region.

8—Amendment of section 15—Functions and powers of AER

The AER is given the function of implementing and administering the market liquidity obligation in accordance with the Rules.

9—Insertion of Part 3 Division 1C

New Division 1C is inserted into Part 3:

Division 1C—Retailer Reliability Obligation—AER compliance regime

18Z—Definitions

Definitions are inserted for the purposes of the Division.

18ZA—Obligation of AER to monitor compliance

The AER must monitor compliance of regulated entities with the Retailer Reliability Obligation.

18ZB—Obligation of regulated entities to establish arrangements to monitor compliance

A regulated entity must establish policies, systems and procedures to enable it to efficiently and effectively monitor its compliance with the Retailer Reliability Obligation.

18ZC—Obligation of regulated entities to keep records

A regulated entity must keep records for 5 years of its activities in accordance with the section.

18ZD—Obligation of regulated entities to provide information and data about compliance

A regulated entity must give the AER information and data relating to the regulated entity's compliance with the Retailer Reliability Obligation.

18ZE—Compliance audits by AER

The AER may carry out an audit of a regulated entity's activities to assess the regulated entity's compliance with the Retailer Reliability Obligation.

18ZF—Compliance audits by regulated entities

If required by the AER, a regulated entity must carry out an audit of specified aspects of the entity's activities relating to the entity's compliance with the Retailer Reliability Obligation.

18ZG—Carrying out compliance audit

A compliance audit must be carried out in accordance with the Reliability Compliance Procedures and Guidelines.

18ZH—Use of information

The AER may use any information or data given by a regulated entity under section 18ZD or 18ZF, or obtained under 18ZE, for the purposes of any of the functions and powers of the AER under section 15 of the *National Electricity Law*.

18ZI—Reliability Compliance Procedures and Guidelines

The AER must make procedures and guidelines in accordance with the consultation procedure provided for under the Rules.

10—Amendment of section 34—Rule making powers

The provisions in the Law relating to Rule making powers are extended to include any matter or thing related to, or necessary or expedient for, the purposes of the Retailer Reliability Obligation.

11—Insertion of section 67A

New section 67A is inserted:

67A—Conduct in breach of reliability obligation civil penalty provision

A technical provision relating to proceedings for multiple breaches of the reliability obligation civil penalty provision is provided for.

12—Amendment of section 72—Obligations under Rules to make payments

These amendments are consequential.

13—Insertion of section 90EA

New section 90EA is inserted:

90EA—South Australian Minister to make initial Rules relating to Retailer Reliability Obligation

The South Australian Minister may make National Electricity Rules relating to the Retailer Reliability Obligation amendments or on any other subject contemplated by, or consequential on, the Retailer Reliability Obligation amendments.

14—Amendment of Schedule 1—Subject matter for the National Electricity Rules

The list of subject matters for the National Electricity Rules is amended to reflect the measure.

15—Amendment of Schedule 2—Miscellaneous provisions relating to interpretation

A technical provision relating to reliability instruments is provided for.

Debate adjourned on motion of Ms Cook.

CRIMINAL LAW (HIGH RISK OFFENDERS) (PSYCHOLOGISTS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:17): Obtained leave and introduced a bill for an act to amend the Criminal Law (High Risk Offenders) Act 2015. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:17): I move:

That this bill be now read a second time.

Today, I introduce a bill to amend the Criminal Law (High Risk Offenders) Act 2015. This bill is intended to assist in alleviating some of the delays currently being experienced in providing forensic psychiatrist reports to the Supreme Court under the Criminal Law (High Risk Offenders) Act and the Sentencing Act 2017. The government recognises the importance of protecting the community from predators and will take all available steps to ensure South Australians are kept safe.

High-risk offenders are those imprisoned in respect of a serious sexual offence or a serious offence of violence. In this state, high-risk offenders also include persons with a history of terrorist offences. The Criminal Law (High Risk Offenders) Act allows me, as the Attorney-General, to make application to the Supreme Court for a high-risk offender to be subject to an extended supervision order on their release into the community from a term of imprisonment. On breach of such an order, the high-risk offender may be liable to a continuing detention order being made against them by the court.

The Supreme Court requires a report from a legally qualified medical practitioner before it can make an extended supervision order—for example, a forensic psychiatrist with appropriate experience. Similarly, under the Sentencing Act 2017, the Supreme Court must be provided with at least two reports from legally qualified medical practitioners on whether an offender is unable or unwilling to control their sexual instincts before the court can order that that person be detained in custody indefinitely under that act.

Within South Australia there is a small pool of psychiatrists who specialise in criminal matters and who are qualified to undertake these forensic assessments for the courts. These psychiatrists work in the Forensic Mental Health Service within SA Health and undertake these assessments in addition to their full-time clinical workload. In addition, these same psychiatrists prepare reports for the courts in South Australia on whether a person is mentally competent or incompetent in committing an offence or mentally unfit to stand trial.

The various demands on these psychiatrists can lead to delays in these assessments being prepared for the court. Since the government became aware of this issue, we have been working with both the courts and the Forensic Mental Health Service to better understand the reasons for these delays and develop solutions that may help to address the issue. Notably, the former government was aware of this issue from as early as March 2017—and we now know there was a direct submission to the now Leader of the Opposition in April 2017—yet they chose to do nothing about it, failing our communities and courts and leaving the Marshall Liberal government with yet another mess to clean up. On 7 February this year, the Leader of the Opposition went so far to say on radio:

If Mr Humphrys is released and it's because the Government haven't got the reports that are required then I think the public have every right to be incredibly angry and as a father in the area, I certainly will be.

I tell you that, as an Attorney-General and lawmaker in South Australia, I am angry—angry that the former government chose to sit on this issue for a year without progressing to resolve the problem. Members opposite did nothing in government about this problem, and their conduct in opposition has been even worse. In recent weeks, the Leader of the Opposition has done his best to whip up hysteria and instil fear into the community. His scaremongering has been staggering and shameless. He has not shown leadership: he has merely highlighted how reckless and irresponsible he is prepared to be just to get himself into the media.

Ms COOK: Point of order.

An honourable member: Hang on, you had better count properly.

Ms COOK: Hang on.

The DEPUTY SPEAKER: There is a point of order.

Ms COOK: Just like you to be a little bit early on everything. I ask you to bring the Attorney-General back to the substance of the debate.

The DEPUTY SPEAKER: The Attorney-General can continue making her second reading explanation.

The Hon. V.A. CHAPMAN: He has merely highlighted how reckless and irresponsible he is prepared to be just to get himself into the media.

I now turn to the key aspects of the bill. This bill amends the Criminal Law (High Risk Offenders) Act to enable registered psychologists to provide the reports required under the act. The change sought to the Criminal Law (High Risk Offenders) Act will assist to alleviate the long delays currently experienced in the provision of reports under that act in respect of high-risk offenders and also under the Sentencing Act 2017, when the reports are required to be provided to the Supreme Court in respect of persons alleged to be unable or unwilling to control their sexual instincts. However, this bill does not propose to amend the Sentencing Act 2017 to permit psychologists to provide reports under that act in respect of persons alleged to be unable or unwilling to control their sexual instincts.

As members would be aware, there has been considerable recent media attention on the Colin Humphrys case and the long delays currently being experienced before the Supreme Court can be provided with a psychiatrist's report under the Sentencing Act 2017 in respect of Mr Humphrys, including the prospect that Mr Humphrys may successfully argue that he should be released into the community as a consequence of these delays.

Although the Sentencing Act 2017 is not proposed to be amended to permit the use of registered psychologists to provide such reports, the changes proposed to the high-risk offenders legislation are likely to have a direct benefit in respect of reports from psychiatrists under the Sentencing Act 2017. In other words, we increase the health professions able to undertake reports in other areas and make sure that we have our forensic psychiatrists more available to attend to this important area.

There is currently only a small pool of forensic psychiatrists able to prepare reports under the Criminal Law (High Risk Offenders) Act or the Sentencing Act. The use of registered psychologists under the higher volume high-risk offenders legislation will reduce reliance on the psychiatrists for those purposes and allow the psychiatrists to focus more on the preparation of reports under the Sentencing Act in respect of persons alleged to be unable or unwilling to control their sexual instincts.

It is important to note that these forensic psychologists will be doing this work under the governance of the clinical director of forensic mental health to ensure that the integrity of these reports is maintained. Beyond these legislative measures, and soon after hearing of the potential delays in this pool of professionals, I began working on a range of measures designed to streamline the psychiatric court assessment process.

This reform includes the establishment of a diversion service in the Magistrates Court. This service will consist of registered nurses and court liaison officers overseen by a consultant psychiatrist. The registered nurses will be responsible for providing advice to the court on potential matters that could be dealt with without requiring a forensic assessment from a psychiatrist, such as where the defendant has a documented mental health condition.

Based on work I have undertaken with the Forensic Mental Health Service, we will introduce a new and more competitive remuneration rate for forensic psychiatrists. The clinical director has indicated that this will attract a greater number of suitably qualified professionals to undertake assessments for the court, including those from interstate.

It is anticipated that these measures, coupled with the legislative reform, will lessen the workload for forensic psychiatrists, freeing them up to dedicate more time to those matters that require specialist attention, thereby addressing delays in these assessments being prepared for the courts. Agencies have worked toward a March 2019 implementation for the diversion service in the Magistrates Court and a new remuneration rate for psychiatrists. I look forward to updating the parliament on the progress of this government's solutions to fix, yet again, another Labor mess.

In the meantime, I want to assure the community that the Clinical Director of the Forensic Mental Health Service has committed to allocating court-ordered assessments to his existing psychiatrists and will provide advice to the court on the time frames for those assessments and when they can be completed. I thank him for his continued service in that regard. I look forward to the swift passage of this legislation, resolving a two-year-old issue, which frankly should have been dealt with a long time ago. I am proud that we are doing just that. I commend the bill to the house. I seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of Criminal Law (High Risk Offenders) Act 2015

3—Amendment of section 4—Interpretation

This clause defines a prescribed health professional for the purposes of the Act, which will include both medical practitioners and psychologists (definitions of which are

also included).

4—Amendment of section 7—Proceedings

This clause amends section 7 to refer to prescribed health professionals (rather than just medical practitioners).

5—Amendment of section 21—Inquiries by health professionals

This clause amends section 21 to refer to prescribed health professionals (rather than just medical practitioners).

Debate adjourned on motion of Ms Cook.

CRIMINAL LAW CONSOLIDATION (FOSTER PARENTS AND OTHER POSITIONS OF AUTHORITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 February 2019.)

Ms STINSON (Badcoe) (12:28): I rise as the lead speaker for the opposition on the Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Bill 2018. Labor supports the bill, noting, of course, that the risk that it seeks to remedy has been identified as remote

and highly unlikely to eventuate. Nevertheless, a risk, even one that is remote, when it comes to the successful prosecution of child sex offenders, is one that is worth remedying at the earliest possible opportunity.

The government asserts that the bill addresses an issue that has been identified that may impact on the ability to prosecute foster-parents and residential care workers for the sexual abuse of children in their care in certain circumstances.

The previous Labor government's Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act passed the parliament in November 2017, making necessary transitional amendments to legislation to commence the Child Safety (Prohibited Persons) Act 2016 and the Children and Young People (Safety) Act 2017. Amongst other things, the children's protection law reform act inserted a definition of 'approved carer' into section 5 of the Criminal Law Consolidation Act (CLCA), referencing the Children and Young People (Safety) Act, and replaced the term 'foster-parent' with 'approved carer' in four sections of the CLCA.

These provisions include a list of who is considered to be in a 'position of authority' for the purpose of prosecuting certain sexual offences involving a child of or above the age of 17. These amendments were proclaimed to commence on 22 October last year. We on this side accept the government's assertions that it has advice that an inconsistency in terminology between the relevant acts has been identified since the passage of the earlier bills. This amendment bill rightly seeks to address that technical oversight. As remote as the risk is, that has now been identified.

We accept that there is a concern that a change in the terminology used in the context of the Children and Young People (Safety) Act to refer to 'approved carer' rather than 'foster carer' could impact on the interpretation of the term 'foster-parent' in the CLCA. A court could apply an interpretation that a person who has been made an approved carer under the Children and Young People (Safety) Act since 22 October last year is not regarded as a foster-parent for the purposes of the CLCA.

If such an interpretation was reached, it would mean that an 'approved carer' would not be considered to be 'a person in a position of authority' in relation to a child who has been sexually abused. That is important because the effect of being found to be in a 'position of authority' in those provisions is to extend criminal liability to include where the child is 17 years old and where criminal liability would otherwise arise only if the child was under 17 years of age. We accept the advice provided to us by the government that, if this interpretation were applied, the ability to prosecute foster-parents for sexual abuse of children in their care aged 17 to 18 could be impacted.

This is clearly not the intention of the act and such an interpretation would not be in keeping with the commitment of the previous government—and I am sure the current government, too—to prosecute any person who seeks to harm or does harm a child in care, whether they be a foster-parent or anyone else. Now, of course, we are advised that the risk of such a situation arising and such a sequence of interpretations being made by a judge is highly unlikely.

However, I know as a longtime front-line witness to our justice system that those accused of these most terrible offences against children often employ extensive and expensive means to defend themselves from such charges, as is their right in our system. There have indeed been instances of defence counsel in sexual crime cases seeking to take advantage of deficiencies or grey areas or so-called loopholes in our law, and this situation could transpire into such a loophole if given the opportunity.

We on this side of the house would never want to see that happen. We on this side of the house realise the pain that sexual abuse of any form, but particularly perpetrated against children, causes to victims, their families and our whole community. In my 15 years as a reporter, I spent many years in our courtrooms. I have spoken with countless victims about their experiences, including their experiences as their matters travel through our court system. A prosecution is a painful experience that revives and revisits the violent crime perpetrated against them.

For some, a conviction is secured. For many, a conviction is not, or a defendant is found guilty of a lesser offence or fewer offences than originally charged. For many victims, though not all, the sentence handed down is unsatisfactory. One can only imagine the grief and additional pain to

be inflicted upon a victim and their family were a case to be lost due to a technical oversight such as this being used to let off an otherwise guilty offender. It would be simply unbearable, and it would be unjust. We cannot let that happen. That is why Labor supports this amendment. We hope to see its swift progression through this house and the other place.

It is important to note that, while this amendment seeks to ensure the smooth prosecution of foster-parents and other carers accused of sexual violence against children, the vast majority of carers do not and never will come into contact with this section of the legislation. The majority of those who volunteer to foster a child, care for a relative's child as a kinship carer or dedicate their careers to the care and protection of children do so because they genuinely care about kids. They do it because they have love to give, they have a home to share and they have expertise to benefit children—indeed, sometimes scores and scores of children—who most need our love and support.

They are the lifeblood of our child protection system and we simply could not do without them. They make a life-changing difference for children each day, and they tilt the trajectory of young lives towards a safer and more secure future. It has been most unfortunate in recent decades that the good name of these volunteers and workers has been tinged with the evil deeds of people who seek to do the exact opposite, people seeking not to support children but to prey on the very vulnerabilities that brought them into the state's care. That is a sad reality and a burden for our upstanding carers.

We owe it to ourselves to have the most robust prosecution processes that we can in order to protect the good reputations of the vast majority of carers who do the right thing by our vulnerable kids. During my time in our courts, I saw far too many cases of approved carers abusing the trust placed in them—in fact, even one is just too many. I was among those reporters to cover the case of Families SA worker Shannon McCoole as well as several other professionally paid carers, foster carers and others in positions of trust and authority who were to be convicted of abusing children in their care. Those people deserve to be exposed, tried and convicted. They deserve to be locked up so that they cannot harm another child placed in their care.

Even though this technical oversight in the drafting of legislation moving from one act to another may only present a remote risk of being realised, it is a serious risk with wideranging ramifications were it to come to fruition. For those reasons, Labor fully supports this correction. This bill also features other changes to further tighten the definitions and avoid any possible loopholes. The bill specifies that a carer who is granted temporary care of a child under section 77 of the new Children and Young People (Safety) Act is captured by the definition of a person in a position of authority.

The bill is also retrospective to 22 October last year, the date when the second and major phase of Labor's new act took effect. This, of course, is necessary and prudent. It would be no fix at all to allow a loophole of some months. Even crimes that have not been charged at this point may yet be detected as having occurred in this period of time, and defendants may seek to take advantage of this discrepancy. Fully closing the loophole is necessary, and Labor supports this amendment.

Finally, the bill also closes a possible gap in the categories of people listed as being in positions of authority for the purpose of extending criminal liability in relation to children in care aged 17 to 18. Currently, in all other relevant legislation, the age of consent is 17. However, the legislation extends that period by a year for children in care when proving elements of sexual abuse against them by people in positions of authority.

The list of people in declared positions of authority does not currently specifically name residential care workers working at either state-run or non state-run facilities. Clearly, the new act was intended to cover residential care workers, but we understand that adding this category specifically, rather than relying on a court to make an interpretation of 'foster carer' capturing all types of carer, is a sensible measure. Labor supports the insertion of residential care workers into the list of people in a position of authority.

Everything we can possibly do to protect children must be done. Everything we can possibly do to detect and prosecute those who do them harm should be done. No matter how small the risk might be, any risk that could be reduced should be. I commend the bill to the house.

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection) (12:38): I rise to speak on the Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Bill 2018. This bill is yet another way the Liberal government is both tidying up legislative drafting oversights dating back to 2017 and strengthening the law relating to offences against children in care. I commend the Attorney-General for bringing the bill to this place, and I commend the opposition for their support. This bill seeks to make two amendments. The first is to clarify the definition of the phrase 'foster-parent'. The second is to include as a category of 'position of authority' a person employed or providing services in licensed children's residential care facilities.

The Criminal Law Consolidation Act creates, among a raft of offences, offences of sexual abuse against minors. While these provisions generally create offences against a child who is under the age of 17 and unable to legally consent to sexual acts, there are some circumstances in which the relationship between the perpetrator and the complainant necessitates the extension of criminal liability to include when a complainant is aged between 17 and 18 years old.

The extension of criminal liability is met when the relationship is one where the perpetrator is in a 'position of authority' to the complainant. The act provides a list of circumstances which would deem a person in a 'position of authority', including where a person is, among other relationships, a foster-parent of the child. At the time of the full implementation of the Children and Young People (Safety) Act on 22 October 2018, the official language and title of those who care for our most vulnerable children were changed.

Those who are caregivers to children and young people under the guardianship of the chief executive are, since 22 October 2018, formally known as 'approved carers', rather than by the previous title of 'foster-parents'. While it was initially anticipated that there be amendments to the Criminal Law Consolidation Act at the time the Children and Young People (Safety) Act was fully implemented, for the reasons the Attorney-General set out in her second reading explanation on 28 November last year that did not occur.

This bill firstly seeks to address any potential ambiguity in the definition of 'foster-parent' to ensure that both an approved carer of the child and a person in whose care the child is placed under section 77 of the Children and Young People (Safety) Act, such as a temporary care arrangement, are included. The second proposed amendment seeks to expand the category of a 'person of authority' to include anyone who is employed or provides services to licensed residential facilities who has duties in relation to a child, as well as to anyone in the administration of the legislation licensing those facilities who has duties in relation to the child.

Although it is well documented that family-based care is preferable to residential care for children who cannot live at home, and although I am committed to the expansion of family-based care, there will always be a place for residential care facilities for children and young people who are unable to be placed in family-based care. In my view, there can be no dispute that the law should not have any different impact on those children and young people in residential care as opposed to those in family-based care. Consequently, the second proposed amendment not only closes an obvious legislative loophole but is sensible and necessary.

As the state's first dedicated child protection minister, I wholeheartedly support any legislative amendment that will:

- enhance provisions to protect our most vulnerable children;
- serve as a deterrent to those who consider embarking on such abhorrent behaviour;
- prevent the failure of a prosecution on the basis of ambiguity; and
- ensure clarity to be able to prosecute and punish those who engage in the behaviour.

I also strongly support the proposed retrospectivity of this bill. I am not aware of any cases that will be affected by the commencement date of 22 October 2018.

I am proud to be part of this hardworking Liberal government which continues to look at opportunities to further protect our children and young people, which prioritises their safety and wellbeing and which is working hard to ensure that legislation is in place where necessary. I commend the bill to the house.

Mr PATTERSON (Morphett) (12:43): I rise today also to speak on the Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Bill 2018. The bill seeks to rectify an issue which, due to the current legislative framework, may impact upon the ability to prosecute instances of sexual abuse of children in the care of foster-parents and residential care workers in some certain circumstances.

As the Attorney-General outlined in her second reading explanation, it came to the attention of her department that a drafting error within the Children and Young People's Safety Act in how the act refers to 'approved carer', rather than 'foster carer', could impact on the scope and application of the term 'foster-parent' within the Criminal Law Consolidation Act. If I reflect briefly on the Children and Young People's Safety Act, section 4, in the early stages of the act, makes some really key points; that is, the Parliament of South Australia recognises and acknowledges that children and young people are valued citizens of the state.

The future of this state is inextricably bound to the wellbeing of all its children and young people, and it is of vital importance to the state and all its citizens that all children and young people are given the opportunity to thrive. Not only in this bill before us but in so many of the other bills we debate in this chamber, and also in the work all members of parliament do in their electorates and in the state at large, that is a key theme—to really try to progress this state going forward and act in the interests of not only the people now but also future generations.

The act goes on to state that it is the duty of every person in this state to safeguard and promote certain key outcomes for children and young people in this state, such as to keep them safe from harm, to do well at all levels of learning to give them skills for life, for children to be able to enjoy a healthy lifestyle and, importantly, for them to be active citizens who have a voice and influence. They are key aspects that we try to foster in this state.

One important measure of that is the foster care system, which is vitally important and a way that the parliament and the state of South Australia can ensure that all children are given the opportunity to grow up in a safe environment, which this bill seeks to reinforce, as we have heard. It is a minor risk, but a risk nonetheless. The risk of this occurring is considered to be extremely low, but the confusion really needs to be rectified as soon as possible to ensure that some of our state's most vulnerable children are adequately protected within our criminal codes.

The amendments in this bill really clarify the criminal liability for an offence against a child aged between 17 and 18 years and in the care of foster-parents. Whilst there are some incredible stories of individuals and families opening their arms to these vulnerable children, there are also abhorrent instances of sexual abuse that need to be addressed and protected against properly by South Australia's criminal code, and that is why this bill has been introduced by the Attorney.

It is really important to acknowledge that the vast majority of foster carers should be held in very high regard for the care they provide vulnerable children. The role of a foster carer is certainly challenging, but it is also very rewarding, not only for the foster carers but certainly for children in their care. Fostering can be a short-term arrangement, ranging from just a few days to eventually becoming a permanent arrangement in some circumstances.

The children who require foster care are usually victims of abuse or neglect, so the role of a foster carer often extends beyond just housing and feeding children to also guiding them through overcoming the difficulties they have faced in their past and trying to counteract those and give them a future going forward.

Certainly a foster-parent must be willing to fully accept the child as part of their family and be up for the challenge, advocating for that child's particular needs and caring for both their mental and physical wellbeing. There is no denying that it takes a very special person to become a foster carer, to open up their life, their house and also their family—for they may have children themselves—to a young stranger who is definitely in need. These individuals, couples and families must be acknowledged for the incredibly hard work they do for the South Australian community.

For those of you who occasionally, in amongst all your other electorate duties, get the chance to go to the movies, I had the opportunity to see a movie currently showing called *Instant Family*, which addresses the issues and challenges, as well as the benefits, of foster care. The two parents, played by Mark Wahlberg and Rose Byrne, were a childless couple who took in a young teenager.

Of course many people's hearts go out to the very young children who need foster care, but this story was around teenagers who, while they look big and as if they do not need as much care, are quite often the ones with the hardest battles and most personal demons to work through.

The foster care of teenagers can provide a life-changing experience for them, to know someone is there who loves and cares for them. This movie also brought home the fact that with foster care it is often not just the one child but their siblings as well and the importance of trying to keep these family units together. That might be challenging, and quite often the eldest of the siblings has to take on a parental role. They can become very protective, and it really is important that the foster care they get is loving and caring not only for them but also for their siblings.

Last week, I had the opportunity to visit the new home of Time for Kids at Hindmarsh, not far from where Adelaide United plays. They have joined up with Relationships Australia SA. I was joined by the Minister for Human Services, the Minister for Child Protection and, towards the end, also the member for Badcoe. Time for Kids has been operating for over 50 years and offers volunteer respite foster care to disadvantaged children.

It was great to hear children's stories about the positive influence that Time for Kids carers have had on their lives and how that care had positively impacted on their levels of self-esteem and confidence as well as their sense of identity. That experience helped expand the children's understanding of the options and pathways open to them, because it is important to realise that children in foster care have sometimes only been shown one way of life. Sometimes it is just a matter of seeing how other families love and support each other as a family unit, what their aspirations are, seeing that there are other ways of going about things and that life can be limitless if approached in the right way.

The experience certainly helped their understanding, but it also built on their resilience which, in turn, can help to overcome and neutralise some of the risk factors typically associated with juvenile offending. You can get a downward spiral, but good foster care, good foster-parents, can really help put children on another track. These respite foster carers are supported by the professional Time for Kids staff, who have many years of experience in child development as well as family support for the carers.

The launch of the Time for Kids new home in Hindmarsh was also an opportunity to thank and acknowledge the previous head of Time for Kids, Jennifer Duncan, for her past efforts as well as for her vision to join Time for Kids to Relationships Australia SA and build on the programs they offer. At the launch, the new program manager for Time for Kids, Nikki Hartmann, outlined the synergies between the two organisations. Alongside Nikki was the hardworking staff: Sheri Borlace, Gabrielle Comey, Rachel Nairn and Sarah Warland.

The event certainly gave real insight into the genuine affection that the staff have for the children. You could see them interacting with the kids and the rapport between the children and the staff but also the rapport this professional staff had not only with children but with their families and the respite foster carers. You could really understand the positive experience that respite foster care has brought to these children and also foster care in general.

At a broader level in South Australia, as of 31 July 2018, 3,680 children were in state care with 1,414 being cared for in foster households. In September 2018, Connecting Foster and Kinship Carers South Australia encouraged carers to share their experiences and provide some insight into why they signed up for the role. The results were really astounding in a way because it showed that there were 165 respondents who had cared for more than 1,500 of South Australia's most vulnerable children. That is certainly a very heavy workload for so few, and so I take this opportunity to encourage more people to get involved. It is a challenging job but, as I said before, it is very rewarding.

I now return to the bill that we have before us and mention that it also addresses a further gap in the category of people who are defined to be in a position of authority. The position of authority provisions effectively extend criminal liability for people who are in a position of authority in relation to children if the child is between 17 and 18 years of age. The category setting out who is in a position of authority includes a parent, a step-parent, a guardian or a foster-parent. It also includes teachers,

social workers and health workers who provide services to a child and also those who provide religious, sporting, musical or other instruction to a child, amongst other categories.

As you can imagine, that touches a broad range of people in this state. There are so many volunteers who help out in many activities, as I said before, with the aims of the original act—the Children and Young People (Safety) Act—providing an active role for our youth. However, there are people who work in children's residential facilities who are not currently specified to be in a position of authority in these provisions.

While the family-based care of foster-parents certainly is preferable for some of the reasons that I outlined earlier in terms of seeing the dynamics of the family unit and how they interact and the time spent together—even if it is just reading a book before bed, the bond that can be built up is so important—unfortunately, there are some occasions when residential-based care is necessary. So it is really important to ensure that similar protections are put in place for children who are being cared for in children's residential facilities, as well as those who are being cared for by foster-parents.

These facilities are classified as either a licensed children's residential facility within the meaning of the Children and Young People (Safety) Act 2017, or a residential care facility or other facility under section 36 of the Family and Community Services Act 1972. Being mindful of the time, I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

Petitions

SERVICE SA MODBURY

Ms BEDFORD (Florey): Presented a petition signed by 100 residents of South Australia requesting the house to urge the government not to proceed with the proposed closure of the Service SA Modbury Branch, announced as a cost-saving measure in the 2018-19 state budget.

Parliament House Matters

CHAMBER PHOTOGRAPHY

The SPEAKER: Members, please be advised that I have allowed an external videographer in today. Obviously, they need to abide by the house's usual rules.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from Flinders University, who are exchange students from Hiroshima University and who are being hosted by the member for Davenport. Welcome to parliament.

PAPERS

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Remuneration Tribunal—
No. 1 of 2019—Remuneration of Magistrates Determination
No. 1 of 2019—Remuneration of Magistrates Report

By the Attorney-General (Hon. V.A. Chapman)—

Electoral Commission of South Australia – 2018 South Australian State Election Report

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Royal Adelaide Hospital Site—Report on the future use of the former, pursuant to section 23 of the Adelaide Park Lands Act 2005

Ministerial Statement

STATEMENT FROM THE ATTORNEY-GENERAL

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:02): I seek leave, sir, to make a ministerial statement.

Leave not granted.

The Hon. V.A. CHAPMAN: Then I formally seek to table a ministerial statement.

The SPEAKER: You can just table the statement, Deputy Premier.

The Hon. T.J. Whetstone interjecting:

The SPEAKER: The Minister for Primary Industries is called to order.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Member for West Torrens! Yes, he was called to order.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: No, I am not.

Question Time

SCHOOL ZONING

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:04): My question is to the Minister for Education. Why did the minister choose not to consult with any parents before excising suburbs from the Adelaide high schools' zone?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:05): I thank the member for that question, and it is a reasonable question. The fact is that the new government came to government in March last year. At that time, the former government had made a determination, first announced in 2013, and I think a cabinet decision seems to have followed in 2017 that was gazetted in August last year for the 2019 zone for the Adelaide High and Adelaide Botanic High School shared zone.

That determination was based on whatever work the former government had done, and obviously the former government's cabinet determinations are not available for new governments to investigate. The new government came to power in March, and obviously one of our election commitments was to move year 7 into high school, rather than being in the generalist learning model in primary schools—that 20th century learning model, which the Labor Party had determined was in the best interests of our students.

We on this side noted that the Australian Curriculum expects that year 7s in Australia will be taught their subjects in line with the Curriculum in a specialist learning environment that is in a high school setting with the specialist subject teachers, such as one finds in high school. That was the basis of the year 7 policy, and the series of bodies of work were then sought from the education department to determine in what fashion that could best be done, and that work was done throughout last year.

That work included a series of reports that were worked up, including independent demographic modelling. One of the things that was noted as part of the independent demographic modelling, and indeed the work provided by the education department about capacity, was that even were year 7s not being moved into high school then there would seriously be a major capacity stretch on our schools in years 8 to 12 in certain schools, and a good deal of that information, the relevant parts, is now in the public domain.

Adelaide High, for example, has capacity for 1,450 students. As a result of the new zone then that is currently over capacity and is anticipated, under the current zoning arrangements, to require a capacity of over 2,400 with the addition of year 7s in the coming years. That would have

required a significant investment, which would have dwarfed any of the other investments that are available for any schools in the South Australian system.

One of the key things that you have to remember is that, when we were presented with the information about the capacity challenges at the very end of last year, this was disappointing and it was somewhat surprising. It was built on a range of reasons why public school enrolments from reception-year 1 have been significantly increased over the last seven years, and this capacity stretch has been pushing our primary schools for some time.

Since primary school enrolment has increased from an average of about 10,000 to 11,500 a year to the 14,000 a year that we are seeing now over the last seven years, that cohort of students is about to hit high schools. Why the former government had not done this work beforehand is beyond me because the simple fact is that even without year 7 coming in there would have been pressures on Adelaide High that would have required difficult decisions to be made.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: But when we were presented with this we were faced with no choice. In fact, the only choice we had had was either cancel those specialist programs, which make Adelaide and Adelaide Botanic High what they are and which was such an important equity measure in the system, or else make the difficult zoning decision that has had to be made.

Members interjecting:

The SPEAKER: Order! Before I call the Deputy Leader of the Opposition, I call the following members to order: the member for Wright, the member for Badcoe, the member for Hurtle Vale and the member for Waite. The Deputy Leader of the Opposition has the call.

SCHOOL ZONING

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:09): My question is again to the Minister for Education. When did the minister first resolve to remove the western and south-western suburbs from the Adelaide high schools' zone?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:09): To be clear, it was a cabinet process, but if it helps the member I can advise that the first independent demographic modelling was received very much towards the end of last year—I think late November or early December. Indeed, regarding the cabinet process, the member is aware of the nature of those determinations.

SCHOOL ZONING

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:10): My question is to the Minister for Education. What options were presented to the minister, including alternative zone changes, capital build or any other strategies?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:10): I thank the shadow minister. Perhaps rather than identifying again that it is a cabinet process, I can just explain what, in my view, the alternatives are in line with the three options that she has suggested. The first one is in relation to capital build. It is noteworthy that we have a current capacity at Adelaide High of 1,450, and Adelaide Botanic High is 1,250. It is not possible to increase the capacity of Adelaide Botanic High due to the nature of the footprint of that land, and I think the shadow minister accepts that, which leaves us with Adelaide High at 1,450 students.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: We have invested $18 million, announced last week—

Mr Duluk interjecting:

The SPEAKER: Member for Waite!

The Hon. J.A.W. GARDNER: —to enable Adelaide High to grow from 1,450 students to a 1,800 student capacity by 2022, and that is the work that we are doing. In terms of further capital build, there are restrictions on the site based on it being adjacent to the Parklands that are significant and there is also the complexity—

Dr Close interjecting:

The SPEAKER: Deputy leader!

The Hon. J.A.W. GARDNER: —that when you have a restricted footprint, going up is a lot more expensive than going out. For example, we are increasing capacity at Roma Mitchell by 500 and that is—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.A.W. GARDNER: —an investment that will be in the order of $15 million to increase capacity at Roma Mitchell, and $18 million to increase capacity by 350 at Adelaide High. Were we to look at a greater investment than that, then we would be talking about going higher and serious logistical difficulties to the point where, if we were to grow it to 2,400 students, we wouldn't be talking about growing it by 350 only; we would be talking about growing it by 950. That is not just three times the cost of the 350 growth. Although that will be a significant cost in and of itself, there are logistical impacts that, in my view, I'm not sure we would have been able to meet at Adelaide High.

That brings the shadow minister's question to the second point regarding zoning. Zoning options: a series of suburbs was added to the Adelaide High and Adelaide Botanic High School zone as of 2015, mostly Prospect, and then in 2019 a series of suburbs in the north-east, including Nailsworth; the north-west, including Bowden, Brompton and Hindmarsh—all those suburbs have been kept in—and the south-west, the suburbs that we are talking about.

Firstly, our starting point, and the advice from the department, was that this cohort of suburbs would be rezoned to schools that they were previously zoned to up until last year that had the capacity to take those students and that none of the other zoning options available would have rezoned students to schools where there was any capacity.

In the north-west, the member for Croydon no doubt would be aware that Woodville High is a school that is approaching capacity and will be approaching capacity further in the years to come. In the north-east, the students were previously zoned to Roma Mitchell, which, I have already identified, we are growing from 1,300 students to 1,800 students just to meet the demand that is currently within the existing zone, let alone any others that would have been rezoned there. That is a significant investment that the government is making to support the needs of students in the Roma Mitchell high school zone.

That leads us to what other options there were. All the other schools in the surrounding area are at capacity or, indeed, we are investing to build their capacity to meet the needs of their current zone. The other option is to cancel the specialist programs. We believe those specialist programs—the languages, sport and health sciences—are an absolutely critical part of what Adelaide High and Adelaide Botanic High have to offer. Importantly, they are an important equity measure to ensure that students who have a desire for languages, whether they live in Port Adelaide or whether they live in West Beach—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —or whether in the north or the south or anywhere else, are able to access those special entry programs that are important equity measures in the system.

The SPEAKER: The minister's time has expired.

The Hon. J.A.W. GARDNER: I have faith in Underdale High and Plympton International College and Springbank Secondary College that those schools will deliver an excellent education—

The SPEAKER: Minister for Education, your time has expired. Minister, thank you. I will come to the member for Kavel. Please stop the clock. I appreciate this is a very sensitive issue. I want to remind the house of a few things. If a visitor or stranger other than a member disturbs in any way the operation of the chamber, as Speaker I can order the withdrawal of people in the gallery. Such disturbances could include persons standing up, interjecting, applauding, holding up signs or placards and other like behaviour. I am just putting it out there. I will move to the member for Kavel and come back to the deputy leader, thank you.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is called to order.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: And the member for Lee. The member for Kavel has the call.

DEFENCE INDUSTRIES

Mr CREGAN (Kavel) (14:15): My question is to the Premier. Can the Premier update the house on his visit to Avalon and how defence spending in South Australia will create opportunities for future generations?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:15): I thank the member for Kavel for his important question. I have just returned this morning—

Dr Close interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. S.S. MARSHALL: —from Melbourne, where Victoria is hosting the Avalon air show and also the very significant Aerospace and Defence Exposition. It is the largest in the Southern Hemisphere and one of the largest in the world, and it basically attracts the heads of most of the global companies that are associated with aerospace and defence. It is a great opportunity for South Australia to get over to Avalon each time this is held to demonstrate to the global marketplace the real capacity that we have here in our state.

Unfortunately for me, Avalon this year coincides with the house sitting, so I was only able to head over yesterday afternoon and come back first thing this morning. With that opportunity, though, I did meet with the Defence SA team, who have pulled together a huge number of South Australian companies exhibiting there, and also met with some of the global chief executives who were attending.

In particular, I had a meeting this morning with very senior people from General Atomics. This is a company that has significant operations right around the world. They have recently won a contract with the Australian Defence Force to develop the Reaper capability, much of which will be based out at Edinburgh. This is a great opportunity and it gave me a chance to speak about other South Australian companies that could fit into their supply chain. This is a very important program for maritime surveillance—surveillance for our country, quite frankly. There are plenty of South Australian SMEs and mid-tier firms that can fit into the program that General Atomics have developed to provide Australia with the Reaper project and capability.

I also had the opportunity last night to meet with executives from Airbus. Airbus, of course, are a massive global defence company. In addition to being a massive global defence company and aerospace company, they have a growing interest in both the area of cyber and the area of space. It provided me with an opportunity to talk about the great announcement made in December last year, when the Prime Minister of Australia, the Hon. Scott Morrison, made it very clear that South Australia would become a global hub in terms of the space sector when he announced that Adelaide would host the Australian Space Agency.

This is a great opportunity to sit down with one of the global giants and talk to them about the opportunity that we have here in South Australia. They were particularly interested in our plans to develop Lot Fourteen. Only 18 months ago, it was a major teaching hospital for us in South Australia, but now I think it is the most exciting urban renewal project that exists anywhere in our country—seven hectares right in the centre of the city. I have to say that they have been delighted

with the interaction they have had with the university sector here in South Australia, with the arrangements they have had and the interactions they have had, both with Defence SA and the Defence Teaming Centre in South Australia.

I am particularly interested in continuing discussions with them regarding cybersecurity. Unfortunately, this is a growing sector globally. Cyber attacks are now becoming more and more prevalent. Of course, we have growing threats, but with that threat I think there comes an opportunity for defence and cyber companies in South Australia. This is something that we will certainly be pursuing into the future.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today Mr Jeff Mincham AM, who is a guest of the member for Heysen. Welcome to parliament, sir.

Question Time

SCHOOL ZONING

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:19): My question is to the Minister for Education. Did the minister ask for a financial impact assessment on householders in those suburbs prior to excising them from the Adelaide high schools' zone?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:20): No, and the reason is that the responsibility of—

The Hon. A. Koutsantonis: Let them eat cake!

The SPEAKER: The member for West Torrens is warned.

The Hon. J.A.W. GARDNER: I didn't ask for a financial impact statement when the zone in the sanctuary area, in the member for Playford's area, was rezoned either, which he was grateful for. The fact is that the responsibility of the Minister for Education—one that I take very seriously—and of the government is to ensure that every child in every classroom in every school is supported to fulfil that potential and—

Members interjecting:

The SPEAKER: Order, members on my left and right! The Minister for Education has the call.

Members interjecting:

The SPEAKER: The member for Morphett is called to order. He's been doing it all day.

The Hon. J.A.W. GARDNER: Every child who lives in any suburb that is in the Underdale High School zone, or the Plympton school zone, or the Springbank school zone—or any other school zone in South Australia—is of concern to us. We want to ensure that our public education system is delivering on their needs, ensuring that they have the opportunity—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens.

The Hon. J.A.W. GARDNER: —if they were zoned in an area, to be able to attend a school, because it's not actually an answer for the Labor Party to say, 'Just don't change the zone,' if that means that that zone is going to give entitlement to hundreds more children to be in a school than the school is capable of delivering the curriculum in effectively. We need to ensure that our schools have the infrastructure to support the students who are attending those schools.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: That would not have been capable under the settings left to us by those opposite without further capital build already. Now, yes, we do actually admit that there

is an impact of the year 7s coming in, in addition to the growing capacity pressure, and there is a reason why we are moving year 7s into high school. It is to ensure that we can best meet the needs of every child in every school in South Australia, to ensure that the Australian Curriculum is delivered in the way in which it is written.

South Australia's public students this year become the only cohort of students in the nation that has year 7s still in that generalist primary learning environment—the 20th century schooling model that those opposite remain the last people in Australia to still be supporting.

Ms Stinson interjecting:

The SPEAKER: Member for Badcoe!

The Hon. J.A.W. GARDNER: The key thing is that, with those opposite, if the purpose of the question is to say that year 7s should not have been moved into high school, then that is a simplistic approach because it does not take into account that we need to be giving every child the support they need.

The other point I make is that the families who have been discomfited because they had certain expectations about the school they are getting have the guarantee that we will give them a spot in a government school where we will be focused on ensuring that that school is the best it can be and is delivering an excellent education to their children, as our commitment is to the students who are already attending those schools. The member for Badcoe should know this. She sponsors a Jayne Stinson award at the Plympton International College, so she should be supporting her schools.

Members interjecting:

The SPEAKER: Order, members on my right! The minister has the call.

The Hon. J.A.W. GARDNER: I just make the point—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —that it is a critical message that we all give all of our families: that the support they will get in whichever of our public schools they are attending will be outstanding support, and I encourage those opposite to talk about the outstanding work that's being done in those schools. The other thing that the education department—

Ms Stinson: We do. We go to the schools and we support them.

The SPEAKER: Order!

Ms Stinson: You're ripping money off them.

The SPEAKER: Order! The member for Badcoe is still interjecting.

The Hon. J.A.W. GARDNER: A two-tier system is not acceptable. It is critical that we ensure that every one of those schools is a school that is desirable, a school that our members of parliament can be proud to encourage their constituents to attend. And, where there is work to do—

The Hon. Z.L. Bettison interjecting:

The SPEAKER: Member for Ramsay!

The Hon. J.A.W. GARDNER: —we will do that work. We are putting extra money in these schools. There are substantial extra resources going into them. Further, every person, every child in South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —is not only—

Mr Boyer interjecting:

The SPEAKER: Order, member for Wright!

The Hon. J.A.W. GARDNER: —given the opportunity to attend their local zoned school—

Ms Stinson interjecting:

The SPEAKER: Member for Badcoe!

The Hon. J.A.W. GARDNER: —but they also have the opportunity to approach any of our public schools—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —that have the capacity to take them, and there are a range of excellent public schools. Many of them have specialty programs, including Adelaide High and Adelaide Botanic High, where every student in South Australia has the opportunity to apply for those schools, too. I have confidence in our system and we are doing the work that is necessary to ensure that confidence can be continued in all our schools in the years ahead.

The SPEAKER: Before I call the deputy leader, the following members I have to deal with: the member for Ramsay is called to order, as is the Premier, the member for Morphett and the member for Colton. The member for Hammond is called to order and warned. The member for Playford is called to order, as is the Minister for Transport, the Minister for Environment and Water, the Minister for Police and the Minister for Child Protection. And I warn for a first time the members for Badcoe and Mawson. Deputy leader.

SCHOOL ZONING

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:25): My question is to the Minister for Education. Will the minister now apologise for the impact on families in the suburbs cut out of the Adelaide high schools' zone?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:25): I thank the member for the question. The fact is that I am very sorry that there has been disruption in a number of families' lives and their expectation that had built up that next year they would be attending a certain school. That is why the education department is ensuring that officers are available to give case management support to all those families to ensure that they are aware of their options and opportunities across our government system.

The other point I make to all those families is that we take very seriously our responsibility to ensure that whichever school their child is at, that child will be supported to reach their potential, whether their potential is that they want to go on an academic pathway or on a pathway towards an apprenticeship or a traineeship, or if they have a sporting preference or a languages preference or whatever special entry program they might prefer, whether they want to attend their local zoned school or one of our other outstanding local public schools that has the capacity for that student.

When I say that, it's in the full knowledge that those opposite would have been confronted with a very difficult decision had they remained in power on 17 March last year. They would have been in a situation—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

The Hon. J.A.W. GARDNER: —where the infrastructure provided by those opposite, together with the decisions that those opposite had made in terms of expanding the school zone, would have left us in a situation where—yes, this year Adelaide High is slightly over capacity—next year it would have been massively over capacity and the year after that more over capacity. The question has to be asked: would those opposite have been cancelling those special entry programs? Would those opposite have been cancelling the zone, or would those opposite have been preferring to rack, pack and stack students into classrooms—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order, member for West Torrens!

The Hon. J.A.W. GARDNER: —into which they don't fit, into corridors, setting up tents on the Parklands? What other process do those opposite suggest would be appropriate? Yes, it's a challenging situation, and I appreciate it's particularly challenging for those families who had made plans for next year. That's why we are putting in place the case management support. Those opposite can help to alleviate some of the challenges in this situation by reassuring those families because they know that these are good schools that are now in the zone. They know that the other neighbouring schools have an outstanding—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —opportunity at any of the schools that they are able to go to, but it is not possible to fit 1,800 or 2,400, or even 1,600 students into a school—

Ms Stinson: Well, why did you promise you could?

The SPEAKER: The member for Badcoe is warned for a second and final time.

The Hon. J.A.W. GARDNER: —that is not built for it. That is what those opposite would have had us do. We know that it is a challenging situation for those families, but it is not this government that made those promises in 2013. We had—

The Hon. R. Sanderson: Unsustainable, never possible.

The SPEAKER: The Minister for Child Protection is called to order.

The Hon. J.A.W. GARDNER: —every expectation when we came to government that if such a situation were to be confronting us, those opposite, in the 16 years they had, in the five years since they have been planning the zone change, might have done a little bit of the work on the demographics, the challenges and the capacity pressures facing the system. It is quite clear that they did not because—

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is called to order.

The Hon. J.A.W. GARDNER: —the Leader of the Opposition says, 'That's why we built a new school.' They built a new school and expanded the zone to include a range of students who would have overcome the capacity of the new school. That is the advice that we have from the education department. If those opposite are saying that if they were in government they would have cancelled the special interest programs, or if indeed that's what they are encouraging us to now do, then let them say so—because that's the choice.

PHONICS CHECKS

Mr DULUK (Waite) (14:28): My question is also to the Minister for Education. Can the minister update the house on the delivery of year 1 phonics checks in South Australian schools?

Members interjecting:

The SPEAKER: Yes, I would like to hear the answer, too.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:29): I thank the member for Waite for his question and for his absolute concern for all our students across South Australia and ensuring that this is a key building block of literacy upon which so much of a student's educational success, and indeed success in life and ability to conduct transactions successfully in the modern world, is built. Getting literacy right is critical.

The house is aware that last year we undertook the year 1 phonics check for the first time in our South Australian schools. There was a trial the year before, and I acknowledge the former government's role in that. The year 1 phonics check data was released, I note with the encouragement of the opposition, two weeks ago. There were challenges identified. Each of our students was expected to try to identify 40 words, 20 of which were real words and 20 of which were

made-up words, to see if they could decode the way the words were constructed. A short check of five to 10 minutes was done one on one with teachers.

The benchmark set in consultation with expert advice was 28 words out of 40. Regrettably, fewer than half our students across South Australia met the benchmark. That does sound like a significant challenge, but it is a wonderful opportunity because this means that more than half our students are identified. Some of these students were identified prior to that by their teachers and their schools and were already working on the interventions necessary.

A range of teachers have reported when I visit schools that, yes, it was good to be able to identify and pick up that extra student who had been presenting as if they could read very well, whether it be because they were guessing words successfully or had other techniques that would do okay for the year 1 texts but would hit them later when the texts got more complicated, when reading got more complicated. If they can't decode the words, that is where they struggle. This is particularly important for students with dyslexia and other learning difficulties.

The checks rolled out in all schools in the government system in South Australia. I am pleased to advise that the Catholic and independent systems have taken the licensing that we have extended to them. Most of those schools will also roll it out. I am very pleased to say that across our education department it has been taken up with some enthusiasm. Earlier this week, I had the absolute privilege of speaking to 1,500 principals, leaders, literacy leaders and teachers from across our public school system at the Convention Centre at the Literacy Summit 2019.

The buy-in from our leaders from our schools, who are so focused on doing everything they can to ensure that our early-year students are given every opportunity in life, was tremendous to see. We had a great reception from some of the keynote speakers, who came from interstate and overseas to lend their views. I make the point that one of our local expert stakeholders, Sandy Russo, the CE of the SPELD organisation for children with learning difficulties, said, 'It was a fantastic event, with such a positive vibe.' She drew my attention to comments from Professor Pamela Snow, visiting South Australia this week, who said, 'South Australia is doing something very special, and people around the country and the world will be watching us.'

Dr Jennifer Buckingham said earlier this week, 'South Australia is showing the way in implementing evidence-based reading instruction.' But I think that one of the key things, the thing that made me feel the best about this conference, was a comment from a teacher, who wrote, 'Really enjoyed the keynote this morning at Literary Summit 2019. Feeling confident our school is on the right path and inspired to get back and share further learnings from today. Hashtag #inspired.'

That's terrific. The education department is supporting our schools with TRT to ensure that, after the phonics check, those students who are struggling can have the interventions provided. We are providing teachers in schools with expert advice on best practice. There is a lot of work to do, but it is so important to get this right, and our schools and our teachers are doing that work.

SCHOOL ZONING

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:33): My question is to the Minister for Education. Why did the minister choose to fund a sufficient expansion for year 7 at Brighton high school, Unley High School, Glenunga high school and Norwood Morialta High School but not allow the suburbs to stay in the zone for Adelaide High School?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:33): I thank the member for the question, and I am happy to answer it. The simple—

Ms Stinson interjecting:

The SPEAKER: Minister, please be seated for one moment. If the member for Badcoe interjects again, she will be leaving the chamber. She is on two warnings and she continues to interject.

The Hon. L.W.K. Bignell: She is a hero to her people. She stands up for them.

The SPEAKER: Member for Mawson, you are on two warnings as well. I would like to hear the minister's answer.

The Hon. J.A.W. GARDNER: In relation to all the schools except Unley High School, the advice from the department is that to change the zones in any of those schools would not have functioned in any way.

The Hon. A. Koutsantonis: It would hurt the Liberal Party.

The SPEAKER: The member for West Torrens is on two warnings.

The Hon. J.A.W. GARDNER: The simple fact is that the schools surrounding those other schools were also at capacity. Furthermore, the capacity required could be built with the investment that the state government is making, and in a couple of those situations there will be minor adjustments to the students they are taking from outside zones.

There are practices in some schools where, in addition to students from within zone and in addition to special entry programs, there's also a range of students they can take from outside zone, and they do. Some of those will have to lessen the number of outside zone students, not related to their special entry programs, in a minor way to reduce potentially 10 or 15, maybe 20, in that way. That practice has been happening for some years at some of those schools as they have been getting fuller with urban infill and trends that were identified in the release documents today.

The simple information from the education department was that those schools were full. At Unley High School, that information applied as well but with the additional notice that Unley High has a traditional intake from broader than the zone, and the education department identified that, because we don't have to just build up at Unley High, to enable them to continue work on their master plan—which has been potentially up to a decade in the making and long overdue—building that capacity from 1,200 to 1,700 would continue to provide extra flexibility in the system.

Unley High is at 1,200 at the moment and it's pretty full, but it takes students from outside zone. It will be able to continue doing that with the investment that has been made at Unley High. As a comparison in terms of the $12 million investment extra at Unley High to $18 million at Adelaide High for a smaller number of student capacity, we come back to what we were talking about before, which is that when you have to build vertically it gets more expensive and more complicated. In the numbers required at Adelaide High by the education department—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is on two warnings again.

The Hon. J.A.W. GARDNER: —that would have meant talking about an investment that would have dwarfed all those other investments that we have talked about. This was the advice from the education department, and the government has done what is necessary and acted in order to ensure that every child can be guaranteed a place—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —in their local zoned school. The zone that was created in the shared zone would have required a build to 2,400, as said, which was not feasible according to the information provided to the government.

An honourable member interjecting:

The SPEAKER: The deputy leader is warned. Do you have another question? Leader of the Opposition.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:36): My question is to the Attorney-General. Now that the South Australian police have confirmed that the Attorney-General's actions have been referred to prosecutors, will she now stand aside?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:36): I thank the Leader of the Opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —for his question.

Members interjecting:

The SPEAKER: Members on my right and left! The Minister for Police is warned. I would like to hear the answer.

The Hon. V.A. CHAPMAN: I thank him for the question and invite him to review the ministerial statement that I tabled today because it clearly provides an update to the house as to the matter of the police assessment from last year and which—

The Hon. A. Koutsantonis interjecting:

The Hon. V.A. CHAPMAN: I'm not quite sure why—

The SPEAKER: The member for West Torrens can depart for 29 minutes, please, under 137A.

The Hon. V.A. CHAPMAN: If the member for West Torrens hadn't been so necessarily—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is named. Member for West Torrens, you are named.

Members

MEMBER FOR WEST TORRENS, NAMING

The SPEAKER: Would you like to make an apology or an explanation to the house?

The Hon. A. KOUTSANTONIS (West Torrens) (14:37): Given the statement by the Attorney-General, obviously her referral is quite unprecedented and the parliament on this side of the house obviously has strong views about her referral—

Members interjecting:

The SPEAKER: Order, members on my right! I'm listening to the member for West Torrens.

The Hon. A. KOUTSANTONIS: —to the DPP, but for the good order of the house, sir, I withdraw—

Members interjecting:

The SPEAKER: Members on my right, be quiet!

The Hon. A. KOUTSANTONIS: —the interjection, sir, out of my place.

The Hon. S.C. MULLIGHAN: I move—

The SPEAKER: No.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:38): There is a process, Stephen. I move:

That the member's apology be accepted.

Motion carried.

Question Time

ATTORNEY-GENERAL

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:38): I thank the Leader of the Opposition for his question.

The SPEAKER: One second, Deputy Premier. Twenty-nine minutes, mercifully. The Attorney-General has the call.

The Hon. V.A. CHAPMAN: Again, I thank the Leader of the Opposition for the question. Notwithstanding that the member for West Torrens obviously took objection to me making a ministerial statement on this matter, if the Leader of the Opposition were to read the full statement that I have tabled it will give an update, and I want both the house and the general public to be aware of the circumstances—firstly, in the update, confirming that the processes that are being undertaken here in relation to the statement I made last year, which I repeat: I confirm that I am satisfied that there has been no breach of the act in that regard. Secondly, notwithstanding that, proper processes are entitled to be made, even in a circumstance—

Members interjecting:

The SPEAKER: The member for Reynell is warned. Leader, please!

The Hon. V.A. CHAPMAN: —where the independent agencies, including the police and DPP, are charged with a statutory responsibility that they should not be interfered with. They have the cooperation from those of the standards we set on the side of the house, including myself, and notwithstanding the standards set by the opposition when they were in government. We do respect process, I respect process, and this position will continue to be my position and will continue to have the support from me in relation to the proper and appropriate inquiries of those agencies.

GAWLER CRATON MINING EXPLORATION

Dr HARVEY (Newland) (14:40): My question is to the Minister for Energy and Mining. Can the minister update the house on recent activity in the Gawler Craton?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:40): Thank you very much to the member for Newland for his very good question. Yes, I can update the house on activity in the Gawler Craton. I am optimistic that this is a topic that every member of this place will be very supportive of. It is an enormous amount of activity.

We would already know that the very important Olympic Dam and Prominent Hill mines operate in the Gawler Craton. The Carrapateena mine is soon to operate in the Gawler Craton. It is an incredibly prospective area for mining in our state. Mining is an incredibly important industry with regard to not only the minerals that are produced, brought to surface and, importantly, used all over the world, but also very importantly with regard to the employment opportunities. The state government is making a very important contribution at the moment through the Geological Survey of South Australia, which is a very important organisation.

Mr Hughes interjecting:

The SPEAKER: The member for Giles is called to order.

The Hon. D.C. VAN HOLST PELLEKAAN: What we are currently doing is interrogating, bringing to light, making more transparent and more useful a lot of the information that already exists. The Geological Survey of South Australia is doing remarkable work in that regard by using world-renowned processes to interrogate the information that already exists so that it can be translated into incredibly useful maps for explorers to access so that their exploration dollars can be far more effective and increase the chance of success of that exploration. Hopefully, it will translate through to mining operations which support our economy very importantly.

The Gawler Craton Airborne Survey's data acquisition program is 90 per cent complete already, with 12 of the 16 data packages now available and made public to exploration companies to use. A very good example of this is what we are calling the Fowlers to Flinders program, from Fowlers Bay on the West Coast through to the Flinders Ranges, which covers west to east the Gawler Ranges.

What we are doing there is going back and interrogating the 5,500 drill core samples that we have down at Tonsley, and organisations are very welcome to come and look at them and try to go back to the work that has been done in previous decades to decide if they can gather more information. But we are actually doing some of that for them. We are going back with new scientific processes and analysing those drill core samples, as a government program, as a geological survey program, so that that information is available to organisations. So we are making that investment so that we can help industry.

Another very important development is the Oak Dam West discovery, which BHP has recently made, and BHP has shared those outstanding results with industry. What's important about that is not only BHP's success in exploration in that area, but it is so closely surrounded by many other exploration opportunities which now quite understandably seem so much more likely to be fruitful. So that is another very positive development in this area.

Another project in the district is the Lake Torrens project that Argonaut and Aeris combined are working on. It has taken 10 years to get to this, but they are drilling on Lake Torrens without touching any part of Lake Torrens, other than the platform that has been placed on top of the lake by a helicopter. Every piece of machinery, every person and every single thing that happens there will be brought in by helicopter so that important Aboriginal, cultural and environmental protections are put in place.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:44): My question is to the Attorney-General. Has the Attorney-General or any of her staff been interviewed by South Australian police during the course of their investigation into the Attorney-General's actions regarding the ICAC Act?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:45): As I previously indicated to the parliament, the answer to that question in respect of myself is no; in respect of any other members of my staff, to the best of my knowledge, no; and in relation to any members of the department, to the best of my knowledge, no.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:45): My question is to the Attorney-General. Did the Attorney-General fully cooperate with the police investigation regarding her actions under the ICAC Act prior to the matter being referred to prosecutors in this state?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:45): As I have indicated previously to the parliament, in respect of any investigation of any of the statutory bodies, they will have my full cooperation. At this stage, as I say, I haven't been interviewed, but they will certainly have my cooperation in ensuring that any assessment in relation to any matters, including of myself, is independently and appropriately investigated.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:46): My question is to the Premier. How can the Attorney-General continue in her capacity as minister responsible for the Office of the Director of Public Prosecutions while it is contemplating charges against her?

Members interjecting:

The SPEAKER: The Premier has the call. Members on my left, be quiet.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:46): I know that this—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

Mr Malinauskas: This is unbelievable. There are no standards in your government. It's a disgrace.

The SPEAKER: Leader of the Opposition, be quiet. If I don't have quiet, members will be leaving the chamber.

The Hon. S.S. MARSHALL: I thank the Attorney-General for providing an update to the house. I don't think that there is anything extraordinary whatsoever in the statement that the Attorney-General has made. As the Attorney-General has previously stated, the government has advice that there has been no breach of the ICAC Act.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The information—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. MARSHALL: —that has been provided by those opposite—

Members interjecting:

The SPEAKER: The member for Lee is on two warnings. The member for Ramsay is on two warnings.

The Hon. S.S. MARSHALL: —is really information that has been on the public record for an extended period of time. I don't know what they have been doing. They certainly haven't been reading the paper. There is this other thing at home in the corner, usually. It's called the television, and you can turn it on. All of this has been on the public record for an extended period of time. I thank the Attorney-General—

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition, please!

The Hon. S.S. MARSHALL: —for providing an update to the house. As for the assertion that there should be somebody standing aside, the member for Gillman—I mean the member for West Torrens—isn't here at the moment, but I can't recall—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —members opposite standing aside when there was—

The SPEAKER: Premier, please do not provoke the opposition.

The Hon. S.S. MARSHALL: —an investigation into the Gillman matter or the Oakden matter or the rape of a student at a western suburbs school. I would like them to outline to the house in detail how often members opposite stood aside when they were being investigated.

FLEURIEU PENINSULA

Mr BASHAM (Finniss) (14:48): My question is to the Minister for Primary Industries and Regional Development.

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is warned.

Mr BASHAM: Can the minister advise the house on how the state government is investing in jobs and economic growth on the Fleurieu Peninsula?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:48): I thank the good member for Finniss for his question and it's a really important question. What I can say is that this government have been out visiting the regions. We don't need country cabinets. We are out there visiting the regions for a very good reason—

Mr Hughes interjecting:

The SPEAKER: The member for Giles is warned.

The Hon. T.J. WHETSTONE: —and that is for the prosperity of the regions in South Australia, particularly for job creation and economic growth. I was given the opportunity on one of my many regional tours to visit the Fleurieu Peninsula in the good member's electorate and I called in to the Goolwa PipiCo. It was great to have the local member there to understand exactly what a success story this is within the fishing sector.

Goolwa PipiCo exemplifies what good stewardship of the fishing sector is doing. Currently, it has now partnered with the Ngarrindjeri people with a concept to expand its processing facility, but it is also rebranding some of its value-added product. We all know that pipis once upon a time were called cockles. They were a low-value product. They were used for fishing bait. Nowadays, we are seeing a high-value product going into premium restaurants and fetching somewhere in the vicinity of $20 a kilo. It is an outstanding success story. What I would like to say is that the expansion of the facility at Goolwa, at Port Elliot, PipiCo—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. T.J. WHETSTONE: —has now come together with the Ngarrindjeri people. The Ngarrindjeri now have a pipi licence, and they are now marketing it to the world. It is a very, very great success story. What we are seeing is an extra 11 jobs for a taxpayers' investment of $490,000 into Goolwa PipiCo. What we are seeing traditionally now are jobs, training and opportunity for the Ngarrindjeri people down at Port Elliot.

It is a success story, and I do want to commend the local member for his involvement. He has been an outstanding advocate not only for the pipi industry but also for the expansion of PipiCo. Also, he has been instrumental in the support that he has given that business and the Ngarrindjeri people to come together for one of South Australia's great success stories.

What I can say is that not only have they raised the bar but they have increased a low-value commodity to a high-value, sought-after product, particularly in our restaurants. The fisheries now are a key industry in Finniss, complemented by the Goolwa Pipi company, and I think it is really important that we look closely—

Mr Hughes interjecting:

The SPEAKER: Member for Giles!

The Hon. T.J. WHETSTONE: —at how South Australia can actually stand behind some of these success stories. This government has done that. We have actually done that with the Regional Growth Fund.

While I was down there, Billy Dohnt, a local identity, was cooking a pipi paella, and no wonder he has got himself up into the highlights of all the cookbooks—his paellas are to die for. They were just outstanding. So a pipi paella at Goolwa PipiCo was a key to success—

Members interjecting:

The SPEAKER: Order!

The Hon. T.J. WHETSTONE: —but what I would say is that we are backing our regions. We are backing the regions because we know hashtag #RegionsMatter.

Members interjecting:

The SPEAKER: The member for Mawson and the member for Giles are on two warnings. The Leader of the Opposition has the call.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:52): My question is to the Premier. Can the Premier recall a single instance in the history of South Australia where the first law officer of the state has been referred to a DPP and not stood aside?

The Hon. J.A.W. GARDNER: Point of order: that question in no way meets the standards required by standing order 97.

Members interjecting:

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:52): I am happy to answer it because it provides me with an opportunity to remind the opposition what questions—

The SPEAKER: Is the Premier happy to take that question?

The Hon. S.S. MARSHALL: I am very happy to answer it, but it is completely out of order—

The SPEAKER: I will allow the question.

The Hon. S.S. MARSHALL: —and I will point out why it is out of order.

The SPEAKER: Are you answering the question?

The Hon. S.S. MARSHALL: The question that I am answering is: I don't have a detailed knowledge of every single case that has occurred in this state's history. The opposition gets an opportunity every time we meet—an hour of question time—to come up with questions. They ran out of questions yesterday. They have clearly run out of questions today. They are becoming more and more inane at every opportunity. How is it the responsibility—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —of the Premier to be the custodian of all historic decisions made within all governments over the period of time? Look, I suggest—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: —that those opposite get a briefing. I hope that they will be able to get a briefing or maybe update their staff and their officers. They have been working with Mr Naughton now for some time.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: He has been writing the questions. I suggest that there is a briefing provided to the opposition.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

The Hon. S.S. MARSHALL: This might be something that could happen through your office regarding standing orders, appropriate questions to ask ministers and the Premier during question time—2 o'clock on a sitting day.

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson can leave for 20 minutes under 137A.

The Hon. L.W.K. Bignell: I'm sorry; I've been sitting here quietly.

The SPEAKER: Member for Mawson, I have written down many interjections. I have allowed it to flow for a while. I ask you to leave for 20 minutes. Thank you.

The honourable member for Mawson having withdrawn from the chamber:

ATTORNEY-GENERAL

The Hon. S.C. MULLIGHAN (Lee) (14:54): My question is to the Premier. Given the former attorney, the Hon. Michael Atkinson, stood aside while the actions of his chief executive were being administratively investigated, why won't his Attorney stand aside while her own actions are being considered for prosecution?

Members interjecting:

The SPEAKER: Deputy Premier, please be seated. These interjections between questions and answers need to cease or members on my left will be leaving, as will members on my right. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:55): In responding to this, I think it is important that I draw attention to the member for Lee's erroneous—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is on two warnings.

The Hon. V.A. CHAPMAN: —reference in his question to there being a matter referred for prosecution. I would invite him to read the ministerial statement, which doesn't say that at all.

Mr Picton: When else do things get referred to the DPP?

The SPEAKER: Member for Kaurna!

The Hon. V.A. CHAPMAN: In any event, I think it is important that he read that. Let me say this: I don't, and this side of the house does not, set the standards—

The Hon. S.C. Mullighan: You should not be on that front bench.

The Hon. V.A. CHAPMAN: —of what the Attorney-General of this state should do or shouldn't do—

The Hon. S.C. Mullighan: You should not be on that front bench!

The SPEAKER: The member for Lee continues to interject. I ask him to leave for 20 minutes, please.

The Hon. V.A. CHAPMAN: —according to the conduct standards—

The SPEAKER: Member for Lee!

The honourable member for Lee having withdrawn from the chamber:

The Hon. V.A. CHAPMAN: —set by the former attorney-general. I don't compare myself to the Hon. Michael Atkinson or to the standards that he set in this parliament when he was in office. I never would ever set my standards as low as those.

The SPEAKER: He was a very good Speaker, however. The Leader of the Opposition has the call.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:56): My question is to the Premier. When did the Premier first learn that the Attorney-General of the state, the first law officer of the land, was first referred to the DPP following the police investigation?

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: When did the Premier learn—what is the point of order? Is the Premier taking the question?

The Hon. J.A.W. GARDNER: Point of order: standing order 97 sets out how questions are to be asked, and without the leave of the chamber, which was not sought nor given, the Leader of the Opposition asked a question in a way that is not—

The SPEAKER: What part? I have the point of order. I am trying to adjudicate. Is the point of order that there was argument or opinion or some commentary?

The Hon. J.A.W. GARDNER: There were matters claimed to be factual, though I am not sure they are facts, and you cannot introduce arguments without leave of the house.

Members interjecting:

The SPEAKER: Order! I have the point of order. I see where this is going. I am going to allow the Premier an opportunity to answer, or the Deputy Premier, whoever wants to take it.

Members interjecting:

The SPEAKER: Order, members on my left! I have allowed the question. I could have taken it away and moved to my right. Premier.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:57): I think the point that the opposition is failing to come to an understanding on is the difference between—

Members interjecting:

The SPEAKER: The Premier has the call.

The Hon. S.S. MARSHALL: —a pending prosecution and a matter being referred to the DPP for further assessment. These are very different concepts. There is no suggestion—

Members interjecting:

The SPEAKER: Order! The Premier has the call. The clock is ticking, members on my left.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. MARSHALL: There is no suggestion that there is a pending prosecution. I think those opposite need to be very careful what they are asserting. I know that they love to come in here in cowards castle to cast aspersions on the government of the day. It's completely inaccurate and erroneous to suggest that there is a pending prosecution.

The SPEAKER: The member for Heysen. I will come back to members on my left.

WINE INDUSTRY

Mr TEAGUE (Heysen) (14:58): Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: The leader and the Premier, if this continues, you will be doing it outside over a coffee. The member for Heysen.

Mr TEAGUE: My question is to the Minister for Primary Industries and Regional Development.

Members interjecting:

The SPEAKER: Order! I would like to hear the question.

Mr TEAGUE: Can the minister update the house on how the state government is backing our wine industries to attract international tourists and boost farmgate returns?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:58): I thank the good member for Heysen for his excellent question. We know how important the wine industry is to South Australia, particularly in the electorate of Heysen. I was recently up there on another one of my regional tours and was escorted around, and we actually dropped into Deviation Road and tried some very nice wine. They are world renowned for their sparkling wine.

What I would say is that we understand that, yes, the wine industry is one of the real really shining lights in South Australia's economy. It is important to note that we have just announced a $3 million support package for the wine industry here in South Australia. It is also really important to note—

The Hon. Z.L. Bettison interjecting:

The SPEAKER: Member for Ramsay!

The Hon. T.J. WHETSTONE: —that the South Australian government have tipped in $750,000 for initiatives that support and expose the wine industry to the world. I think it is really important that we highlight it.

Recently, the Premier, the member for Heysen, the Minister for Trade and Investment and I were down at Coriole Vineyards, where we were given the opportunity to make the announcement, and the Premier did that in elegant style. We understood how 40 per cent of international tourists visiting South Australia visit a winery, and that money will go towards projects.

If we look at Clare, the Clare Valley Winemakers Incorporated will put their money towards a Chinese television and digital advertising campaign. In the Barossa, the Grape and Wine

Association there are looking at marketing a communication campaign that targets international tourists. We go to the Limestone Coast and their wine council does mixed dozen interactive wine trails. That is a great initiative. They are looking at walking trails through the vineyards for their tourists.

If we go to the Adelaide Hills Wine Region, the virtual reality video and online marketing is a great concept, particularly for the Chinese visitors to the Adelaide Hills. In the great engine room of the wine industry in the Riverland, there is an international visitors' virtual tour of the Riverland and wine attractions. The McLaren Vale Great Wine and Tourism Association are putting their money towards an integrated consumer awareness and visitor campaign for the China and Hong Kong markets.

While I was there, I managed to call into the d'Arenberg winery, one of the great iconic visiting spots of the wine industry in South Australia. I was gifted Chester Osborn's time, and he showed me around his new attraction, the Cube, and we all know about the Cube. He also showed me that he is putting new attractions in the Cube on a weekly basis. So, any of you who haven't been to the Cube, please visit and just have a look at the great work he has done. He is one of the unique characters of the South Australian wine industry. We know that the Cube is a to be visited attraction.

More importantly, the wine industry for South Australia is a shining light. This government is backing the wine industry. We are giving the wine industry an opportunity to advertise, to market and to show the world the great concept of South Australian wine, because we know here that hashtag—#winematters.

Members interjecting:

The SPEAKER: Order!

Mr Hughes: There are hashtags everywhere.

The SPEAKER: There are hashtags everywhere. The member for Giles raises a valid point. The leader has the call.

ATTORNEY-GENERAL

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:02): My question is to the Premier. Given that the Premier will not stand down the Attorney-General during a police investigation or a DPP referral, at what point in a criminal investigation would the Premier stand down the Attorney-General?

The SPEAKER: A hypothetical question.

The Hon. J.A.W. GARDNER: He's not even attempting to conform to standing orders. That is ridiculous.

The SPEAKER: That question is slightly hypothetical. Would the leader like to have another go at a question in the remaining four minutes?

Mr MALINAUSKAS: Sure. My question is to the Premier.

Members interjecting:

The SPEAKER: Order!

Mr MALINAUSKAS: Why will the Premier not inform the house of when he was informed about the Attorney's referral to the DPP?

The SPEAKER: I will allow that question.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:03): I don't recall the exact time and date of when I was informed, but can I make it very clear that the Attorney-General—

Mr Szakacs interjecting:

The SPEAKER: Is the member for Cheltenham interjecting?

Mr Szakacs: Absolutely.

The Hon. S.S. MARSHALL: —has my absolute support. I have made this point and this is nothing new. Those opposite have been asking questions about this matter for an extraordinarily long period of time. It has been canvassed—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —in the papers, it has been canvassed on the radio, it has been canvassed on the television. There is nothing new. We appreciate the update from the Attorney-General to the house today. This is a matter that does provide some complexity, of course. The interpretation of the ICAC Act, I think most people appreciate, is complicated. It's an act that we have the Crime and Public Integrity Committee refer to—

Mr Brown interjecting:

The SPEAKER: The member for Playford is warned.

The Hon. S.S. MARSHALL: —on an ongoing basis to see if they are—

Mr Malinauskas interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. S.S. MARSHALL: Those opposite are getting very agitated. It hasn't been a particularly good week for them. Yesterday, it was a little bit embarrassing when the shadow minister for health outed the worst period in terms of ramping was actually when the Leader of the Opposition was the health minister at the time. If that wasn't a shot in the foot, I've got no idea.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The reality is that we have received an update today from the Attorney-General. We thank the Attorney-General for the update. The Attorney-General has legal advice that is quite clear and shows that there has not been a breach of the ICAC Act. This has been made very clear—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —for an extended period of time, and we are relying on that information.

MINISTERIAL ACCOUNTABILITY

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (15:05): My question is to the Premier. Can the Premier please explain his interpretation of ministerial accountability if ministers do not stand aside while being referred to the DPP, or have been found by a royal commission to sell out the state?

The Hon. J.A.W. GARDNER: Point of order: that is not a question in accordance with standing orders about fact, argument—whatever he wants to do. He can't just make impromptu speeches.

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:05): I just would add that there has been no—

The SPEAKER: The Premier appears content to answer the question. I will give him a go.

The Hon. S.S. MARSHALL: The Attorney-General has not been referred to the DPP. There is a matter which the DPP is considering. This was previously considered—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —by SAPOL, and it is now being considered by the DPP. The Attorney-General hasn't been referred to the DPP as those opposite are suggesting.

Members interjecting:

The SPEAKER: The member for Kaurna can leave for 20 minutes for highlighting what looks like a prop.

Mr Picton interjecting:

The SPEAKER: Yes, you. The Premier has the call. You can't use props.

The honourable member for Kaurna having withdrawn from the chamber:

The Hon. S.S. MARSHALL: The matter, which those opposite are referring to, has been—

Members interjecting:

The SPEAKER: You can't wave it.

The Hon. S.S. MARSHALL: —given to the DPP for their assessment. We look forward to any advice that comes from the DPP or any other authority here in South Australia. It's not something that we are hiding; in fact, we actually proactively disclosed it to the chamber today.

Grievance Debate

SCHOOL ZONING

Ms STINSON (Badcoe) (15:06): Disappointed, appalled, angry, furious, devastated—those are words people in Badcoe have used in the past fortnight to describe their reaction to the shock decision by this Liberal government to exclude their children from attending Adelaide High and Adelaide Botanic High. I have had parents in tears in my office, on the phone and at the school gates since this decision was suddenly dumped on them with no warning last week.

For four years, families in my area—Black Forest, Glandore, Clarence Park and Kurralta Park—were expecting their children to be able to attend city high schools. To say that people were excited about this is a gross understatement. Kathryn from Clarence Park told me how she took her son to show him Botanic High, the school he thought he would be attending next year. Her son has a passion for science and technology and, as she showed him around Botanic High, she watched as his eyes lit up when he saw the facilities and heard about the great teachers he was going to get next year. She was crying as she had to tell him last week that that was not happening anymore.

Kathryn passed on a private education scholarship for her son and a place at a local non-government school so that he could go to Botanic High. She was shocked and outraged to learn that that opportunity has been stolen from her son. The scholarship and the place at that school are no longer available to her—and there are many more Kathryns out there. If you stand at any local primary school gate this afternoon you will be flooded with such stories from my constituents.

In the last four years, people have made some of the biggest decisions of their lives—buying a home, choosing their child's education—and in these four years since the school zone map was released the Liberals, too, have had the opportunity to come clean with my community. Did the Liberal Party ever suggest that they opposed the school zone expansion to the west and to south-western suburbs? No, they did not. Did they ever suggest that moving year 7 into high school would see kids in the west and south-western suburbs miss out? No, never.

They could have told the truth. They could have told people in Black Forest, Kurralta Park, Clarence Park and Glandore, and in the seat of West Torrens as well, that their decision to put year 7 into high school would mean that their kids would not be able to go to a city high school. But they knew that in a marginal seat such as Badcoe they would not stand a chance if they booted Badcoe kids out.

Clearly, this government has now made a conscious decision to just walk away from the people of Badcoe. They stopped listening, they do not want to act in the best interests of my community and really, they have also let down the people who did vote Liberal at the last election—they have ripped them off. Listen to this: Michael of Black Forest says:

I've always been a Liberal voter, however, I'm enraged at the deceit and contempt that this decision shows and I'll be doing everything I can to ensure this government is removed from power at the next election.

Tim of Black Forest says:

I'm appalled at the lack of consultation…I'm disappointed my kids will miss out because of a political decision. I've always been a Liberal supporter but that's now changed.

Chelsea from Glandore says:

You have no idea how many people have been left devastated by this heartless decision. I can never again trust the Liberal Government.

I just want to address one more thing: this government, in particular the education minister, has run a bit of a smear campaign against me, suggesting that my support of those communities who have been axed from the zone means that the Labor side and I do not support our local public schools, particularly Plympton International College. That is simply a lie.

I supported the school well before I was elected as the local MP. I frequently visited the school to see its Mandarin program in action, to join in sports activities, to attend its governing council meetings, and the education minister seemed outraged about it, but to support their awards program as well. I have actively advocated on behalf of the school for various improvements. I have regularly checked in on the $2.5 million new STEM facility, which is a Labor investment and which I will be proud to see opened next week. I will be there when that is opened.

I am also incredibly proud that another $3 million was committed to that school by the former Labor government under the Building Better Schools program. Why did we commit that? Because we believe in Plympton International College. We want to see it thrive. My opinion is that it is a great school and it will continue to be, if this government invests in it and that is what they should be doing: investing in all our schools.

REPATRIATION GENERAL HOSPITAL

Mrs POWER (Elder) (15:12): It has been an historic week for the Repat, with the concept master plan for the site revealed and the state and federal Liberal governments coming together to invest more than $70 million into a revitalised Repat health precinct. I rise today not only to talk about our plans for the new health precinct but also to acknowledge and thank the people who were the driving force behind saving the Repat, and this includes:

- the veterans, led by Augustinus Krikke, who slept on the steps of Parliament House during those cold winter nights after Labor first announced its decision to close the Repat;
- the people who attended one of the many rallies;
- those in the community who worked and volunteered their time at the Repat site;
- all the South Australians who signed the petition calling on the Labor government to reverse its decision to close the Repat. When I say 'all the South Australians', that represents more than 120,000 people;
- the people who took the time to attend one of my many Repat community forums. So far, in my time representing Elder, that includes eight different community events; and
- the individuals who formed a dedicated group to save the Repat, including Professor Warren Jones, Dr Elizabeth Hobbin, Dr Robert Black, John Besanko, Neil and Carla Baron, Christine Doerr and the late Guy Bowering.

As a Liberal team, both in opposition and now in government, we listened to our community. We made a promise that if elected we would stop the sale of the Repat and that is exactly what we did. It has been a collective effort that got us to that point and to where we are now, with a clear master plan for the site.

It has been a journey that we travelled along together as a community, one where we have faced challenges and an uphill fight that in December 2017 looked like we might have lost, with the Repat site, under Labor's rule, potentially set for subdivision and bulldozing. Fortunately, unwavering

determination and hope has prevailed and this week we see a future for the Repat site as a thriving healthcare precinct.

The concept master plan for the Repat site sees us deliver on our election promises and respond to the community feedback that we gathered through extensive consultation last year, when more than 1,500 members of our community had their say about what they would like to see at the Repat site.

The concept master plan for the Repat site includes a new statewide brain and spinal rehabilitation unit, including a new state-of-the-art 26-bed inpatient facility; an 18-bed specialised facility to care for some of the most vulnerable South Australians suffering extreme behavioural and psychological symptoms of dementia; an eight-bed specialised dementia care unit in addition to the 18-bed unit; a state-of-the-art gymnasium for brain and spinal patients and athletes; and a town square in the heart of the Repat to create a community hub and an outdoor space.

For helping this master plan become a reality, I would really like to acknowledge and thank Nicolle Flint, the member for Boothby, whose work secured $30 million from the federal government for the new statewide brain and spinal rehabilitation unit and a further $1.3 million for the dementia care unit. At a state level, we have also committed $40 million as we continue our work to reactivate the Repat.

At our community forum held on Sunday just past, I shared a quote from Margaret Mead, who said, 'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has.' Whilst I stand in this house, I stand here as just one of the many individuals in that group of people who together fundamentally changed the fate and the future of the Repat. In doing so, we have improved health care in our community and our state.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today the former long-serving member for Morphett. Good to see you again.

The Hon. A. Piccolo: Who your party didn't preselect.

The SPEAKER: The member for Light is called to order.

Grievance Debate

DISABILITY SERVICES FUNDING

Ms COOK (Hurtle Vale) (15:16): With the help of the current Marshall government, our community services sector is approaching another fiscal cliff of block funding in respect to the funded disability service providers. Until the full transition occurs from state-based block funding to the NDIS, which is the biggest social reform and opportunity the disability sector has ever seen, the cooperation must continue. The state government cannot take its hands off the wheel. Yes, the sector is currently in flux as we transition, but it is at least 12 months behind schedule.

I hear that the Minister for Human Services has said that we will be at full rollout of the NDIS by 30 June this year. That is only 3½, four months away. I might add that on 16 January I received a letter from the federal Minister for Families and Social Services, who is responsible for NDIS funding, which stated, 'As you are aware, the NDIS is fully rolled out in South Australia.' Well, I think there are many people waiting for their plans and approvals who would be very surprised about that. I am not sure what information the federal minister is getting, but we are a long way from full rollout. On latest figures, we are at around 70 to 75 per cent.

After taking office last year, I met with many disability service providers to hear about the stories of block funding, the transition to the NDIS and what was happening to them. With only days left to run on their existing funding arrangements, the Premier and the minister stumped up the additional package of block funding required to keep the doors open and keep their programs running. But it seems that this government has not learned from its past mistakes because now, in February 2019, we again see that the same cohort of disability service providers are worried about block funding arrangements coming to an end.

There has been no word from the Premier or the minister about the current status of these arrangements. Some are due to end within a month. In answer to allegations from the minister regarding the understanding of the interface between state block funding and NDIS funding, we on this side of the house are well aware of the arrangements and the need to reduce block funding pro rata as the increased uptake of the NDIS occurs.

The providers of services are the experts in this. They are very worried, and they are the ones informing us that many of them have no arrangements past the end of March. We see and expect many more job losses and reductions in services over the next few months as organisations cut services to community members who need it the most. It is a debilitating existence for disability service providers when they have no way of retaining staff, no way of attracting new staff and no way of growing to be the sector that they need to be to provide the services that are needed in the coming years.

I take great interest in the Social Development Committee. Parliament is currently inquiring into the NDIS, and funding arrangements have been questioned. Credible large providers like Uniting Communities who have hundreds of dedicated people working for them, have stated something to the effect that they are waiting until March to find out how much, if any, funding the state government is prepared to provide to them. If that is not a worry about a fiscal cliff, I do not know what is. It is only a month away. They need to have some surety.

There are people working for them on the lowest incomes: disability support workers, community workers and coordinators, and they cannot wait. They need some guarantees that they are going to have a job after the end of March in order to give a commitment to stay with these organisations that have trained them and been loyal to them for years. The organisations cannot innovate, they cannot plan, they cannot employ.

The regions are worried. The regions are also at a precipice, and they have bigger problems in respect of the challenges of retaining and recruiting staff. The organisations that serve the disability sector in the regions need some guarantees. They need to know that the funding is not coming to an end. It is a lived reality in South Australia: our NDIS transition is behind the times. We will not be in full rollout by the end of June. The guarantee currently being given is unfair and untrue. There is no way that after this time 25 per cent more people will transition to the NDIS by the end of June, and the minister must take some responsibility.

COLTON SURF LIFESAVING EVENTS

Mr COWDREY (Colton) (15:21): I rise today to bring attention to two fantastic events that take place on an annual basis in the electorate of Colton: the Big Row under the stewardship of the Henley Beach Surf Life Saving Club, held this year on 2 February, and the Pink and Blue Swim organised by the West Beach Surf Life Saving Club, which took place on 9 February this year.

This year, 2019, was the 13th edition of the annual fundraiser at the Henley Beach Surf Club, the Big Row. Each year, teams of surf lifesavers—male, female, young and some more senior—row 68 kilometres across Gulf St Vincent from Stansbury on Yorke Peninsula to the Henley Beach Surf Life Saving Club. The trip, weather-dependent, takes around eight hours. It was a little more last year as it was quite choppy but a little less this year given that it was flat and glassy.

Young nippers, the club's life members, community members, those who were doing a patrol at the time and sponsors all came out and welcomed this year's crew as they finished their journey onto Henley Beach. The 2019 Big Row raised $45,000 and $15,000 worth of in-kind contributions for the surf lifesaving club. All funds raised go toward the ongoing maintenance of the clubrooms and to ensure that the patrol and lifesaving community services that the Henley Surf Life Saving Club delivers can continue to be met.

The club, through me as their local member, wishes to acknowledge the fine work of Nicole Carey and Peter Oborn, the main coordinators of the event and, of course, the West Beach Community Bank for its continued support as the major sponsor of the Big Row. It has been the sponsor for 13 straight years and it even had a couple of its bank staff participate in the row this year, although I think they learnt very quickly that surf rowing is a little tougher than working at the bank.

The annual Pink and Blue Swim, hosted by the West Beach Surf Life Saving Club, raises funds for breast cancer and prostate cancer charities. While the weather this year was not the best—there was a significant storm system that passed through the West Beach area on that Sunday morning and unfortunately, due to the rough weather, the swim itself had to be cancelled and all participants were asked to walk—some 800 people still turned up and participated, which was a fantastic result.

The Premier was down there. I must admit that he and I were probably two attendees who were not disappointed that the swim did not take place. Despite all of this, over $75,000 was raised by the West Beach community and their sponsors, including the West End Community Fund, who matched dollar for dollar $30,000. Funds were split this year between the St Andrew's Hospital breast cancer unit and the Prostate Cancer Foundation of Australia.

Those funds, through the St Andrew's Hospital Breast Clinic, are going to assist the creation of an after-care office for patients along with other recovery-based patient care. For the Prostate Cancer Foundation, the money is going to be put towards two people taking part in a second-stage of cancer groundbreaking therapy trial that, if successful, will be able to assist many more people as they move towards a cure for the disease.

The club certainly wishes to thank their very dedicated and well-coordinated team who run the event. I commend the West Beach Surf Life Saving Club, a not-for-profit organisation in their own right, for the work they put in and the great cohesion the community has in raising the money that goes towards these great causes. All of that profit goes towards prostate and breast cancer causes.

With the time I have remaining, I would like to recognise the much-needed attention that has been brought to our coastline, in particular West Beach, over the past couple of weeks. It is something I have certainly been advocating for consistently since entering this place. I would also like to make a special mention of the City of Charles Sturt, which has been actively tending to West Beach, tidying up the beach and clearing metal spikes that have started to come to the surface, as part of its ongoing role in maintaining the beach on a day-to-day basis. I look forward to working closely with the council as we move forward to ensure that our coastline is improved, particularly in our area having long been neglected, and is made safe for people who visit our beautiful beaches in Colton.

PORT PIRIE SPORTS PRECINCT

The Hon. G.G. BROCK (Frome) (15:26): Today, I would like to talk about the great opportunities that are in the offering for Port Pirie to be the city of friendly people and also special events. This strategy has been on the drawing board from previous councils, including my period as the mayor of Port Pirie Regional Council, and will now become a reality with the completion of the new $25 million Sports Precinct.

This facility was possible with a $5 million injection by the previous government in 2014 and also $5 million from the federal government. The project includes a new revamped oval, change rooms, a two-storey function centre, a new aquatic centre including squash courts, new gymnastics facilities, indoor splashdown park and pool, and also revamped swimming facilities. It also includes a new croquet rink and vastly improved lawn bowls rinks. Both of these have the latest synthetic greens and great clubrooms.

The previously underused DECS Port Pirie West Primary School oval has been revamped with new cricket, football and soccer playing fields, new baseball facilities and new cricket practice nets, as well as a significantly upgraded school oval. This is a prime example of what can be achieved when shared facilities between the government and a proactive community work together to get the very best results and outcomes.

The new Memorial Oval also includes three turf wickets which are the best in the state, personally designed and overseen by Les Burdett, the expert in turf wickets. The oval also has a very large viewing screen which will show the sports in a similar way to the Adelaide Oval. These improvements complement perfectly the recently upgraded Northern Demons soccer facility, which includes the very best synthetic playing field, complete with new change rooms and canteen. Again, that was done with grant money from the previous government.

The Port Pirie and District Tennis Association has resurfaced all its playing courts to be able to attract tournaments in conjunction with Tennis Australia. Just recently, they were part of the national pro tour for women. Port Pirie Harness Racing Club has the best harness racing facility outside Globe Derby. In fact, some say this track is faster than Globe Derby. The Port Pirie and Districts Hockey Association has great facilities, again with synthetic playing fields, with many of their players capable of state or national selection. Mid North Archery Club has recently upgraded its facility and currently has many budding archers matching some of the best in Australia.

The Port Pirie Rowing Club, along with the Royal Port Pirie Yacht Club, with the recently dredged waters around both those areas, the new yachting pontoons and also the new recreation boating pontoons, is able to also attract the best in the state. The Port Pirie Rowing Club went from one member some years ago to nearly 35 now. The other day I had the opportunity to look at their new clubrooms that they developed with a grant from the current government and from the Minister for Recreation and Sport. They now have about 15 or 20 boats in their shed and it is a credit to that organisation. The Port Pirie Softball Association, along with the Port Pirie Pistol Club and the Port Pirie netball and Port Pirie basketball sides, has also attracted state championships to their facilities. All of the above have been beneficiaries of grants from the previous government and also some from the current government, which would total in the millions.

St Mark's Catholic College, which is a private organisation through the Catholic Church, has also completed a multisport facility with indoor netball, basketball and other associated activities. This project cost more than $6 million. These facilities, together with great volunteers and sporting people in our community, allow the city to attract state and national sports. The aim is to have a special event attracting many spectators and their families from outside Port Pirie every six weeks. Already we have secured the JLT Community Series Showdown, estimated to be a sellout, with in excess of 8,000 people to visit Port Pirie this weekend.

The South Australian Country Football Championships, incorporating the SANFL Port versus the Crows game, are expected to contribute just over $1.6 million to our regional community. In addition, there will be 10 days of Masters Games in April and the SA Junior Soccer Championships later in the year. This strategy will not only allow our sporting people to compete with the best in the state and our community to see the best people compete in the state but also act as a great economic catalyst for our business community. This facility and this strategy will show the rest of the state and Australia what a great place Port Pirie is and give the city the credit it deserves.

BLACKWELL, MR P.

Ms WORTLEY (Torrens) (15:31): I rise to pay tribute to an amazingly talented and much-loved South Australian stage and screen actor Paul Blackwell, who sadly passed away last Sunday at the age of 64. Educated at NIDA, Paul worked with many of Australia's theatre companies, including the State Theatre Company of South Australia, Brink Productions, Patch Theatre, Melbourne Theatre Company, Belvoir and Sydney Theatre Company.

His screen career saw him appear in *Candy*, *December Boys*, *Dr. Plonk*, *Red Dog* and the feature film I saw him in only a couple of weeks ago, *Storm Boy*, which is very much a local film and the kind of project that was dear to Paul's heart. He was also the co-creator of children's productions, including *Mr McGee and the Biting Flea*, *Who Sank the Boat?* and *The Happiest Show on Earth* for Patch Theatre Company.

As a Media Entertainment and Arts Alliance SA Actors Equity Vice-President, member of the National Performers Committee and delegate to Federal Council, Paul embodied what it is to be a proud MEAA Equity member, and I had the privilege of first knowing him in this role during my time with the MEAA. Equity to the heart, his many union roles saw him as an activist and a strong voice for performers. The MEAA Facebook post reads:

> A multiple Helpmann Award nominee, his career spanned decades and he touched the lives of his friends, colleagues and audiences across the nation. Those lucky enough to have shared a rehearsal room or stage or set time with him, know of his warmth, generosity and kindness, and how incredibly hard he worked. He was one of the country's finest actors and craftsmen, and he will continue to inspire us.

MEAA SA/NT Director, Angelique Ivanica, said:

On whatever stage was honoured by Paul's presence, or any screen that shone brighter because of his light, he was truly gracious.

Geordie Brookman, outgoing State Theatre Company Artistic Director, wrote on social media:

Sometimes we are blessed just to share the spin of the Earth with someone. Paul Blackwell was a unique soul, extraordinary talent and deeply humane being. One of the country's best and most humble actors, here in South Australia we've been lucky enough to call him our own. There are so many onstage moments that took the breath away. His high precision comic anarchy made my sides split in *The Venetian Twins*; he broke my heart in Chris Drummond's beautiful production of *When The Rain Stops Falling* and he made my soul shake every single night in *Things I Know To Be True*, and he combined all of these beautiful elements to quietly steal the show in *Faith Healer*. But that barely scratches the surface. An actor, a clown, an artist in every sense. Offstage he was an example to us all. A wise guide for many young directors, generous to his co-performers and, simply, generous to the world that was lucky to hold him as long as it did.

The Sydney Theatre Company posted:

Paul graced our stage many times over the past 30 years. His great talent on stage has been described by audiences and theatre lovers as brilliant, perfection, outstanding, wonderful. These are all words that also describe the Paul that many of us at Sydney Theatre Company had the honour to work with.

Brink Productions said of Paul:

Compassionate, generous, funny, searingly honest, heart-breakingly tender, always vulnerable, always open, always listening, always leading from the front—a total gift of an actor and an artist and a human being; in every rehearsal room and theatre you entered. The privilege of being in your company in rehearsals as you worked a moment, often taking an entire cast with you down the rabbit hole of your delicious insanity, everyone in thrall of the special brand of lunacy only you could unleash. Your ceaseless invention and imagination and your absolute demand for truth giving birth to so many incredible characters. The anguish and grief and sadness in your portrayal of Joe Ryan in *When The Rain Stops Falling* just shattered us night after night, and now we are truly shattered.

MEAA National Performers Committee delegate and fellow performer, Patrick Frost, whose work history with Paul spans across 30 years, was struck by his brave, crazy and enthusiastic energy in the rehearsal room. He told me Paul was able to take the audience from hilarity to pathos on the turn of his heel, well illustrated by his astonishing performance recently in Andrew Bovell's *Things I Know To Be True*. He said:

Paul was a very loyal supporter of Actors Equity throughout his career. He had a real devotion to mentoring his young colleagues and would often spend his own time supporting and encouraging Indigenous and disabled performers. I think his fellow actors and crew around our theatres and film sets, and the friendships he built here were the reason he chose to live in Adelaide—the city he truly loved, the city where he lived with his wife Lee-anne and children Joey, Bea and Dom.

Heather Croall, Director and CEO of the Adelaide Fringe, a longtime family friend and colleague of Paul, said:

The world has lost a beautiful soul, an incredible family man, a brilliant actor, a genius, a truly unique guy with a sharp mind, incredible wit and a generous heart.

Vale, Paul Blackwell, actor, performer, mentor, inspirer—a truly great member of the South Australian and wider Australian theatrical family.

Bills

CRIMINAL LAW CONSOLIDATION (FOSTER PARENTS AND OTHER POSITIONS OF AUTHORITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The SPEAKER: The member for Morphett, I am reliably informed, has five minutes remaining.

Mr PATTERSON (Morphett) (15:38): Thank you, Mr Speaker, and thank you for the opportunity to continue my remarks on the Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Bill. To recap, the bill itself seeks to rectify an issue which, due to the current legislate framework, may impact upon the ability to prosecute instances of sexual abuse of children in the care of foster-parents and residential care workers in certain circumstances.

The amendments to the bill, while the risk is considered extremely low, will clarify the criminal liability for an offence against a child aged between 17 and 18 years of age and in the care of foster-parents. Additionally, the bill addresses a further gap in the categories of people who are defined to be in a position of authority. The position of authority provisions effectively extends criminal liability for people who are in a position of authority in relation to children if the child is between 17 and 18 years of age.

It refers to facilities that are classified as either a licensed children's residential facility or a residential care facility or other facility established under section 36 of the Family and Community Services Act 1972. If the bill is accepted, it will mean that the law should not have any different impact on those children and young people in residential care, as opposed to those in family-based care. The bill seeks to further protect the state's vulnerable children and ensure that our legislation is clear, guaranteeing that those who engage in illegal behaviour can be prosecuted and punished accordingly.

It also acts as a deterrent for those who seek to enter foster care to harm children and really allows the vast majority, which I spoke of previously, of foster care parents to do such wonderful work and help guide children and youth through to adulthood so that they can have a meaningful life going forward. The bill is retrospective in its nature and it will be backdated to the original commencement date of 22 October 2018. However, as we heard here earlier, the state's first dedicated Minister for Child Protection, the member for Adelaide, is not aware of any case that will be impacted by the introduction of this commencement date.

The bill before us is yet another example of the Marshall Liberal government's commitment to our state's children. Our government has introduced Carly's Law to protect South Australian children from online predators and has introduced a dedicated child protection minister to ensure that some of our state's vulnerable citizens are well looked after. In her contribution to this debate, the minister outlined her support for this legislation and any legislation that enhances the provisions to protect our most vulnerable children. I commend the bill to the house.

Ms LUETHEN (King) (15:41): I rise to support the bill, which has been introduced by the Attorney-General and supported by our hardworking child protection minister because the most important job of government is to keep its community safe. This is the only way, with every child safe, that they are going to have the chance of growing up and reaching their full potential. I have put my hand up to serve the community for this very reason: to keep children safe.

This is the Liberal way: not to whinge and whine, not to talk about a problem or talk about change we would like to see, but to take it on board ourselves; to plan, act, and deliver. This is why this piece of legislation is so important. This is what we are doing. We are listening and we are acting to make our community safer. The bill amends our laws to provide greater protection to our community and better deterrents to perpetrators whose goal is to harm children in our state who are in their care.

In my electorate, my constituents have told me they want harsher penalties for people who hurt other people, and they want a safer community. To us, every child in our community is very important and their protection is paramount. The bill amends the Criminal Law Consolidation Act 1935 to address an issue that has been identified, that may impact on the ability to hold to account and prosecute foster-parents and residential care workers for sexual abuse of children in their care in certain circumstances.

Why is this so important? Australian government research tells us that childhood sexual abuse is associated with a broad array of adverse consequences for survivors throughout their lifetime. As a result of more rigorous research studies in this field, our understanding of the impacts of child sexual abuse is becoming more nuanced, and a robust body of research evidence now clearly demonstrates the link between child sexual abuse and a spectrum of adverse mental health, social, sexual, interpersonal and behavioural, as well as physical health, consequences.

To date, the strongest links have been found between sexual abuse and the presence of depression, alcohol and substance abuse, eating disorders for women survivors and anxiety-related disorders for male survivors. An increased risk of revictimisation of survivors has also been

demonstrated consistently for both men and women survivors. This is part of the lifelong sentence given to children who are sexually abused.

Some more recent research has also revealed a link between child sexual abuse and personality, psychotic and schizophrenic disorders, as well as a heightened risk of suicide, ideation and suicidal behaviour. However, government researchers state that many questions still remain unanswered. For example, we need to better understand the experiences of boy victims of child sexual abuse, particularly within the context of institutional cases of child sexual abuse and the impact of such experiences on key areas of victims' functioning.

Today, statistics tell us that one in three girls and one in six boys will be sexually abused. Further research in this area needs to continue to tease out the gender differences in victims' experiences of child sexual abuse and the impact of mediating variables on survivors' future functioning and their adjustment in all spheres of their life. This understanding will assist in the identification, treatment and prevention of child sexual abuse.

Importantly, this knowledge is key to survivors of child sexual abuse being able to disclose their experiences in a safe and supportive environment and gaining access to effective services and the support they need to deal with those experiences and all of its effects. This is why I speak up about child sexual abuse and advocate for early intervention and child protection curriculum being taught in the early years.

I did not know I had been sexually abused until I learnt what this abuse was. I hope by continuing to speak up in this house that more survivors will speak up, that more survivors will share their experience, seek counselling and expose perpetrators. I hope survivors will advocate with me for change until our community is a much safer one. In many cases, speaking up and exposing those who harm children could stop perpetrators from reoffending. This certainly would have been so in my case.

I truly believe that together with the strength and courage of survivors, support from colleagues in this house and with people like the Attorney-General persistently closing loopholes and taking a hard line on perpetrators, and the Minister for Child Protection working hard to improve our Department for Child Protection's support of the community, we will together build a safer community.

Let's reflect one more time on the impact child sexual abuse has on victims so that everyone in our community understands. In the long term, the child may experience a number of effects as an adult. These may include:

1. Depression, anxiety and trouble sleeping.
2. Low self-esteem.
3. They might feel like damaged goods and have negative body image due to self-blame. This might be intensified if physical pain was experienced during the abusive incidents.
4. Disassociation from feeling, which was certainly something that I can reflect on feeling.
5. Social isolation.
6. Relationship problems, such as an inability to trust, poor social skills or a reluctance to disclose details about themselves.
7. Self-destructive behaviour, such as substance abuse or suicide attempts.
8. Sexual difficulties, such as fear of sex or intimacy, indiscriminate multiple sexual partners or other problems during sex.
9. Parenting problems, such as fear of being a bad parent or a fear of abusing the child or being overprotective.
10. An underlying sense of guilt, anger or loss.
11. Flashbacks and/or panic attacks.

We can support changes in this house that prevent abuse. This will put a stop to the resultant lifelong impacts so that more people in this state can live better lives and more people can reach their full potential, which will mean a healthier and more productive community.

Already this year, we have heard time and time again, with the instances in our local papers at the moment, that a key factor of psychological trauma among survivors is not being heard, not being believed and not having their experience validated. We are moving pieces of legislation like this to close all loopholes. As background to this legislative change, the Attorney-General's Department has picked up issues with a number of sections of the Criminal Law Consolidation Act 1935 regarding the definition of a 'foster-parent' for the purposes of certain child sexual offences in the Criminal Law Consolidation Act.

On 22 October 2018, the new child protection laws were fully commenced. There is now a concern that a change in the terminology used in the context of the Children and Young People (Safety) Act to refer to 'approved carer' rather than 'foster carer' could, within South Australia, impact on the interpretation of the term 'foster-parent' in the Criminal Law Consolidation Act. This would mean that an approved carer would not be considered a person in a position of authority in relation to a child who has been sexually abused.

The impact of being found to be in a position of authority in those provisions is to extend criminal liability to include situations where the child is 17 years of age, and where criminal liability would otherwise only arise if the child was under 17 years of age. Accordingly, if this interpretation were applied, the ability to prosecute foster-parents for sexual abuse of children in their care aged 17 would be impacted.

For the avoidance of any doubt, this bill inserts a definition of 'foster-parent' to include 'an approved carer' within the meaning of the Children and Young People (Safety) Act. This will ensure that all approved carers are clearly captured by the Criminal Law Consolidation Act provisions and ensure that any broader application of the term 'foster-parent' that has applied previously continues to apply.

When this bill passes, this will ensure that the prosecution of foster-parents for sexual abuse of children aged 17 years in their care will not be impacted. The risk of this occurring is considered to be low, but that does not matter. However, in the absence of a legislative definition, a court would ordinarily be expected to continue to interpret the definition of a foster-care parent according to its ordinary meaning, rather than by reference to the Children and Young People (Safety) Act.

Prior to the proposed amendments, the term 'foster-parent' was not defined. It is therefore expected that the type of care provided by an approved carer would be interpreted to be within the meaning of care provided by a foster carer in any event. To ensure that there is absolutely no ambiguity about who is in a position of authority, the government has brought this bill to address this risk. Since identifying this issue, there has been further consideration of the amendments that were initially intended by parliament in the Children's Protection Law Reform Act.

In the course of preparing the bill to address this drafting issue, a further gap was identified in the categories of people who are defined to be in a position of authority. As noted above, the position of authority provisions effectively extend criminal liability in situations where the cut-off age for regarding a person as a child would have been 17 years old, being the age of consent in South Australia. That is, it extends criminal liability for people who are in a position of authority in relation to children if the child is between 17 and 18 years of age.

The categories setting out who is in a position of authority now include teachers, social workers and health workers providing services to a child and those who provide religious, sporting, musical or other instruction to a child, amongst other categories. Obviously, it also includes a parent, step-parent, guardian or foster-parent. However, people who work in children's residential facilities are not currently specified to be in a position of authority in these provisions. Clearly, they should be, and we are fixing that too.

The state's residential care facilities are staffed predominantly by employees who are not social workers, such as youth workers and other ancillary staff. These employees provide rotational care and services for children and young people who reside in these facilities. These people are unlikely to fall within the definition of 'foster-parent', and this is why this change is so important,

because people who work in children's residential care facilities are not currently specified to be in a position of authority in these provisions. Clearly, they should be and we are fixing that.

Specifically, what we are doing is (1) inserting a definition of foster-parent to include an 'approved carer' within the meaning of the safety act. This will ensure that all approved carers are clearly captured by the Criminal Law Consolidation Act provisions and ensure that any broader application of the term 'foster-parent' that has applied previously continues to apply; (2) defining people who work in children's residential facilities as people who are in a position of authority; and (3) making the bill retrospective.

As we have said, although there is a low risk here, it is not a risk that the Attorney-General, the Minister for Child Protection or anyone on this side of the chamber would like to take. All children deserve to be treated with respect and be protected from harm, and this is the only way that every child has every chance of reaching their full potential. This is what this government and I care deeply about.

In closing, I wish to commend the foster carers in my community who care deeply about the children in their care. Thankfully, there are many more fiercely loving, caring and protective foster carers than there are carers we need to be vigilant about. I thank the foster carers in my community for their inspiring and selfless efforts in caring for children who have not had the best start in life. You are making a difference in every one of these children's lives and giving them every chance to reach their full potential. I commend the bill to the house.

Mr TEAGUE (Heysen) (15:56): On 22 October last year, the new child protection laws were fully commenced. As those who have followed the debate will be aware, the new provisions now provide for the approval of what is defined in the new legislation as 'approved carers' for the purposes of the act. That is found in section 72(1) of the Children and Young People (Safety) Act 2017. Section 72 provides that the chief executive may approve a person as an approved carer for the purposes of the act. I take the opportunity to note that, in doing so, the chief executive's responsibility is to consider the objects that are provided for under section 19 of the act in approving a person as an approved carer.

I also remind the house that section 77 of the act provides further that, in circumstances where an approved carer is not available, then measures may be taken. That is the background before which the Criminal Law Consolidation (Foster Parents and Other Positions of Authority) Amendment Bill comes before the house.

In rising to commend the bill to the house, I welcome the opposition's support. There are an uncontroversial number of amendments to the Criminal Law Consolidation Act and I will step through those in the short time available to me now. In doing so, I certainly seek to endorse and amplify the words of the Attorney-General, the member for Morphett and just now the member for King, who have so ably adumbrated the purpose, objects and necessity for the amendments that are the subject of the bill.

The terms that might be borne squarely in mind in the context of this debate and the work that the bill is doing relate firstly to the use of the words 'approved carer' in the new legislation, to which I referred at the outset. Secondly, and relevantly, it is to be borne in mind who a person in a position of authority is, and the Criminal Law Consolidation Act makes reference to a foster-parent in four sections. At present, the Criminal Law Consolidation Act does not define a foster-parent; rather, a foster-parent is among a class of persons described as 'persons in a position of authority' for the purposes of the offences set out in part 3 of the act.

I turn to the relevant parts of the Criminal Law Consolidation Act. The offences that relate to a person in a position of authority are referred to in three sections within division 11 of part 3 of the act. I will not spell this out in relation to each of the sections but, firstly, section 49 provides for the offence of unlawful sexual intercourse. In subsection (5), the Criminal Law Consolidation Act provides that, if a person in a position of authority in relation to a person under the age of 18 years has sexual intercourse with that person, they are guilty of an offence with a maximum penalty of imprisonment of 10 years. That offence provision is prescribed specifically in relation to a person in a position of authority.

Section 49(9)(b) defines who a person in a position of authority is for the purposes of the section. Indeed, that is consistent in relation to the subsequent two sections within that division and for the purposes of section 63B in division 11A, and I will refer to that briefly in a moment. Section 49(9)(b) provides that, where a person is a parent, step-parent, guardian or foster-parent of the child or the de facto partner or domestic partner of a parent, step-parent, guardian or foster-parent of the child, then they are a person in a position of authority for the purposes of the section and therefore a person to whom section 49(5) applies. The same machinery applies throughout the remainder of the division 11 offences. One picks that up at section 50(13)(b) and again at section 57.

It is because the new provisions, the subject of the Children and Young People (Safety) Act, deal with a reference to an approved carer that the term 'foster-parent' is to be defined in the new act for the first time. We see that clause 4 of the bill now inserts a new definition, and that definition of foster-parent will take in approved carer and so, relevantly, approved carer for the purposes of section 72 of the Children and Young People (Safety) Act and also those persons who, as I referred to at the outset of my remarks, are persons in whose care a child may be placed pursuant to section 77 of the act, that is, in circumstances where an approved carer cannot be found and the provisions of section 77 are then called upon for the purposes of temporary care.

For completeness, I referred to the three sections within division 11 of the Criminal Law Consolidation Act. Section 63B within division 11A of the act dealing with child exploitation also contains, relevantly, the same machinery that is applicable to persons in a position of authority and, in turn, foster-parents and therefore the new terminology that is the subject of the Children and Young People (Safety) Act, that is, relating to an approved carer. Those four provisions are now to be the subject of the definition.

The bill further takes the opportunity to deal with those three circumstances in which a child is placed in care—that is, care in a licensed children's residential facility (that is the subject of section 105 of the Children and Young People (Safety) Act 2017); secondly, in a residential care facility; and, thirdly, in another facility that might be established under section 36 of the Family and Community Services Act 1972, or if a person is engaged in the administration of such a facility and acting in the course of their duties in relation to the child.

The bill provides, in each of those relevant four sections to which the new definition will also apply, new subsection (9)(ga) to section 49, a new subsection (13)(ga) to section 50, a new subsection (4)(ga) to section 57 and a new subsection (6)(ga) to section 63B, so that there can be no doubt that where a person is in a position of authority in relation to both those forms of authority under which we are now well familiar and which have been the subject of the Criminal Law Consolidation Act in those sections for some time.

They are well settled, so much so that those terms have not found their way into the definitions in the act because terminology of that specific nature is now used in the new provisions that are the subject of the Children and Young People (Safety) Act. That is now defined in such a way as to cover the field so that there can be no doubt that someone in a position of authority, whether it be a parent or guardian or foster-parent, will be caught by the definition for the purposes of that particular class of relevant offending that applies to persons in a position of authority.

Those are the provisions that are the subject of this bill. They are rightly uncontroversial. We have a duty in this place to ensure that wherever there may be an opportunity to make clear in the laws that we enact, particularly in circumstances where those laws concern the protection of children, that we do so comprehensively and with clarity so that there can be no doubt that, if someone is in any form relevantly of a position of authority, they will be appropriately the subject of these provisions should they be required to be called upon.

By way of general remarks in the short moments available to me, I wish to emphasise the words of the member for Morphett and the member for King, and those of the Attorney in introducing the bill, and all those who have spoken on both sides. They have all spoken about the important role that foster-parents play in this area. Whether an approved carer is someone putting their hand up to do this important work or whether that is an institution that is providing safe haven for children in need of this support, we must recognise the importance of that.

We must also recognise the importance of ensuring, insofar as we possibly can, children who are in need of this assistance are both protected and supported so that, regardless of the circumstances of the child's early life that may cause them to need those services, they are given every opportunity to flourish and to live a life that is as full of opportunity as it possibly can be. Personally, I take the opportunity to thank and salute those who dedicate themselves to engagement in this important area of work. It is important, too, to recognise the work that the minister has already done in this space.

This is a bill amending the Criminal Law Consolidation Act and it is doing so promptly after the introduction of new provisions in the Children and Young People (Safety) Act. Those provisions were introduced in October last year promptly on the election of this new government.

We have already seen that we have in this minister and in this new government a single-minded dedicated purpose to do all that can be done to ensure that we have the best possible outcomes; that is, an environment, as far as we can possibly achieve it, of safety for our young people in care and an environment in which we encourage participation by those who would place themselves in a position of authority. We want to ensure that this is an environment in which people will put their hands up and, in turn, people in care will receive the benefit of that care. With those brief remarks, I commend the bill to the house.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:16): I thank members of the house who have made a contribution to the debate on this matter and have reminded us that, whilst this is in a way a small amendment to very substantial law reform that we have previously dealt with, it is important. Members have taken the opportunity to reaffirm this parliament's universal condemnation of child exploitation and sexual manipulation. There has been a universal outcry at the exposure of children, particularly those who have been abused within a relationship with a person of authority.

I further welcome an indication from the opposition that they will support the bill. It is true that it is a pre-emptive strike to ensure that whatever potential loophole might be there is closed to ensure that there is no opportunity for someone to escape criminal prosecution and be dealt with by virtue of definitional deficiencies.

The two areas of criminal law in which we are seeking to deal with the description of a person of authority are section 49, 'Unlawful sexual intercourse', and section 50, 'Persistent sexual abuse of a child'. In that regard, I remind the house that we have already sanctioned a high order of significance in there being an act to be dealt with at a criminal level between the ordinary offence by a person who has no direct relationship as a position of authority and someone who is in a position of authority, and insisted on how severely they be dealt with.

In regard to unlawful sexual intercourse, a person who has sexual intercourse with any person under the age of 14 years is subject to being guilty of an offence and liable to imprisonment for life. Someone who engages in sexual intercourse with a person under the age of 17 years is guilty of an offence and is liable to imprisonment for 10 years.

There is various identification as to the defence entitlements, but in particular that consent is no defence, but the provisions already state that a person who is in a position of authority having sexual relations with a person under the age of 18 years is guilty and can be imprisoned for 10 years. So it is a very much more severe imposition to a person who is in authority, and there is very good reason for that: if one is a teacher or a foster care parent, or if a child is living in a residential facility under the supervision of an authorised carer, there is a circumstance in which the child is even more vulnerable because of the nature of the relationship, and the law recognises this and imposes it.

I suppose the most frequent evidence that we see of abuse in this area, which is published, is between teachers and students, and therefore it is important to ensure that we protect children who potentially are in such a vulnerable relationship. In relation to the persistent sexual abuse of a child, which has been a relatively new initiative in the criminal law, here, again, imprisonment for life is the maximum penalty for any adult who maintains an unlawful sexual relationship with a child. A child, for the purpose of this, is someone under the age of 17 years. So, again, there is a very severe indication in that regard. Again, if the person in the relationship is someone who is in a position of authority, there is an aggravation recognition in the offence.

Already the law makes it very clear that if you exploit children within these relationships where there is such a power imbalance relative to the child's circumstance, then the law will treat you seriously. I do not think that, from the contributions that have been made, anyone in this house would walk away from insisting that foster carers or foster-parents, as they are commonly known (and we are reintroducing that definition into the act and that language into the act so that it is abundantly clear what we are doing here), or someone who is in a position of authority and trust and supervision in a residential facility clearly understand that they are to be covered by this, and that they, too, will not escape the criminal law and punishment in respect of any offences in breach of section 49 or section 50 of the Criminal Law Consolidation Act.

It is important that we do tidy this up, that we do ensure that we protect our children in this circumstance. Could I just say one final word in relation to the significance of the principal law that was reformed and effective as of October last year, which, really, was born from the recommendations of the Nyland royal commission. Former Supreme Court judge Margaret Nyland had undertaken a comprehensive assessment of the weaknesses in relation to child protection. Her report I think is rather disturbing reading—and I would encourage particularly any new members in the parliament to read the report; it is a long report, and I am not suggesting that everyone reads every word of it—but what is really telling are the case studies that she specifically investigated and which she reported on.

Repeatedly in these case studies, there were regrettably multiple events where children were in vulnerable circumstances under the supervision of a person of authority who exploited them. Probably the most notable, of course, was the case of Shannon McCoole, who was employed in after-school care. Subsequently, the department, which had responsibility for child protection, outlined his tawdry history over multiple occasions with multiple victims. He has been convicted and sentenced, and I think one of the former premiers described his conduct as acts of evil. The reality is that it can happen and it has happened. It did happen in relation to someone who had access to children regularly and repeatedly and he abused that position of authority.

Obviously, we have to ensure that this is minimised. A number of processes were undertaken. One, of course, deals with the criminal sanctions. Others deal with the training and screening of those who work with children. These types of initiatives have been implemented. Following on from that, I have since met with the Chief Judge of the Youth Court, who is responsible for a number of things, including child protection matters and, obviously, dealing with youths in respect of when they engage in criminal conduct themselves. She is still, I suppose, getting used to the new legislation and the new process that is to occur in relation to child protection matters.

A very significant number of responsibilities of the minister were transferred to the chief executive. A very abridged process was introduced under the new legislation. She has brought to my attention that we are the only state, I think, that actually operates an abridged version of that without the assessment—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: I am not sure whether members are laughing at child protection. I hope not—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —because it is a very serious issue.

Members interjecting:

The SPEAKER: Members on my left, I know it is late in the day; please. The Attorney-General has the call.

The Hon. V.A. CHAPMAN: What I would ask members to do, particularly—

The Hon. T.J. Whetstone: The Labor bully mentality—that's what it is.

The SPEAKER: Minister for Primary Industries, be quiet.

The Hon. V.A. CHAPMAN: —those representing the shadow attorney-general and, indeed, child protection, is to consider this in due course. What she brought to our attention was that, whilst we are one of the only jurisdictions to have an abridged version of the child protection process that cuts out the assessment period, that has come with some perhaps unintended consequences, and she has asked us to review that. It may be necessary to come back to the parliament again once we have diagnosed what she has presented to us and identified any areas that we might be able to improve.

Of course, we will continue to work with those who advise us, but also, particularly, those who have been vested with the responsibility to deal with child protection, namely the Youth Court. We will continue to keep the house updated in that regard. Otherwise, I commend the bill to the house.

Bill read a second time.

The SPEAKER: The member for West Torrens has sprung to his feet.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. A. KOUTSANTONIS (West Torrens) (16:28): I move:

That standing orders be so far suspended as to enable the Leader of the Opposition to move a motion without notice forthwith.

The SPEAKER: I have counted the house and, as there is an absolute majority of the whole number of members of the house, I accept the motion. Is the motion seconded?

An honourable member: Yes, sir.

The SPEAKER: The member for West Torrens, you would like to speak to the motion?

The Hon. A. KOUTSANTONIS: I would, sir.

The SPEAKER: The member for West Torrens has the call.

The Hon. A. KOUTSANTONIS: There is no more important matter for this house to now deliberate on than whether or not this house should consider a motion on whether or not the Attorney-General should immediately step aside from her functions as Attorney-General of this state pending the outcome of the deliberations of the Director of Public Prosecutions or his delegate.

As to the idea that this house would go on debating other legislation and other matters before it without considering one of the most profound and unprecedented events that has occurred in South Australia's legal history, the Attorney-General of this state, the first law officer of this state, has been investigated by anti-corruption officers of South Australia Police and that matter has been referred to the Director of Public Prosecutions.

The Director of Public Prosecutions has had to forward this on to an independent party. Why? Because the Attorney will not resign and because he answers directly to her. Who has set the budget for this independent officer to assess whether or not the Attorney-General should be charged? The government. We have seen the Attorney's form on this matter with the most recent royal commission. The royal commissioner asked for extra time and the Attorney-General intervened. Why? Because one of her members was having adverse findings found against him.

This house must suspend standing orders. The rule of law must apply equally to South Australians, from the Attorney-General down, no matter who it is. This house must stop what it is considering and immediately consider whether or not the Attorney-General should have this house consider her future while the DPP is considering these matters. There is nothing more serious than the idea that we may have an Attorney-General who could be facing criminal charges—criminal charges, yet in the parliament, pretending it is all okay to stay on in her position, pretending there is nothing to see here and it is just a matter of process.

If it were a matter of process, we would not have got this far. If it were a matter of process, South Australian anti-corruption officers would not have forwarded their brief to the Director of Public Prosecutions, let alone the fact that, quite controversially, our DPP was not reappointed. Again, there

are further questions to be asked. If this house thinks that matters the government had before it are more important than this matter, then it goes to the very core of the rottenness of this government. How can there be anything else that this government should consider right now than whether or not the Attorney-General—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. A. KOUTSANTONIS: —should remain in her position. Think of the agencies that answer to her. The justice department, the Director of Public Prosecutions—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: The Minister for Industry and Skills is called to order. The government will have its opportunity to speak to the motion. The member for West Torrens has the call.

The Hon. A. KOUTSANTONIS: The idea that somehow there is nothing inappropriate about the Attorney-General staying on quite frankly stinks. I think that most South Australians will realise that anyone being investigated by anti-corruption officers of the South Australian police force know that those people are of the highest integrity and that those officers work to serve the people of South Australia. They have deemed their brief worthy—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —to forward to the Director of Public Prosecutions. Why? While they have considered that, the director now is forced into the unenviable position—

The Hon. S.K. Knoll interjecting:

The SPEAKER: Minister for Transport, be quiet.

The Hon. A. KOUTSANTONIS: —of having to have this matter considered independently of him. Why? Again, because the Attorney will not stand aside. There is precedent here. When the current Attorney-General was a shadow minister, she asked questions in 2003 of the then attorney-general that led to that attorney-general standing aside pending an investigation. Nothing is different. What the government would have us believe is that the parliament should go on and pretend there is nothing to do here and nothing to see here because, even though anti-corruption officers think there is something there that should be discussed, debated and sent to the DPP, she stays in place.

Once the DPP thinks it merits further consideration, the Attorney-General remains where she is. At what stage does the Attorney-General realise her responsibilities to the high office she holds and does this parliament the dignity of standing aside pending this investigation? Doing the right thing has never been in the DNA of members opposite. Indeed, what they are saying is that civil investigations by the Ombudsman are exactly the same as a criminal investigation by the anti-corruption branch. Really?

The Hon. T.J. Whetstone: Oakden. Gillman.

The Hon. A. KOUTSANTONIS: Really? Oakden and Gillman—Ombudsman's inquiries.

The SPEAKER: Minister for Primary Industries, the government will have an opportunity to speak in reply to this motion. The member for West Torrens has the call.

The Hon. A. KOUTSANTONIS: We all know—

Mr Picton interjecting:

The SPEAKER: Member for Kaurna, be quiet.

The Hon. A. KOUTSANTONIS: —that the DPP is a man of the highest integrity. It is a loss to the people of South Australia after he was not offered reappointment by the Attorney-General and now we find, and the parliament was told today, that the Attorney-General, who made the decision not to reappoint the DPP, has had a referral from the Anti-Corruption Branch to that office.

The Attorney-General says that it is a nonsense, that it is all okay, that there is nothing to worry about here and that it is perfectly reasonable that the Attorney-General remains in charge of the institution in deciding whether she should be charged or not. That is perfectly reasonable—Caesar judging Caesar. Of course it is okay. It is not as if the Attorney-General controls the budgets of the DPP. It is not as if the Attorney-General controls the budget of the officer appointed by the DPP to decide whether or not the Attorney-General should be investigated. These are all at arm's length. Well, they are not—they are absolutely not.

This house cannot go on debating other matters without considering whether or not this house thinks that the Attorney-General should step aside pending the outcome of the DPP's inquiries. Perhaps then, if the Attorney-General stood aside, the DPP himself—the person the people of South Australia have unanimously entrusted with deciding who gets charged and who does not—can consider this for himself. But while the Attorney-General remains in that position he cannot because of the direct line of responsibility between the Attorney and the DPP.

Mr Kimber has acted with the highest integrity. He has referred this matter to an external party because he still answers to the Attorney-General. Importantly, a decision to prosecute or appeal could be influenced by the employer of that person and the statutory office holder. The Attorney-General cannot in any way possibly believe that she can do anything other than stand aside. If the government do not want her to stand aside, they can explain that to the people of South Australia. The best way to explain it to the people of South Australia is to allow a debate on the issue, allow the people of South Australia to use their house to ventilate this issue. We are all here sent by the people of South Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —all of them, and we need to know right now: is the house's priority whether or not our Attorney-General—the person entrusted with upholding the laws of this state and potentially facing charges by the DPP—can remain the person in charge of that organisation while they consider whether or not she should be charged? Any reasonable, right-minded person would say that this parliament should immediately—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —debate this matter and allow the parliament to decide and express its view about whether or not the Attorney should stand aside. The executive have decided that she should not. They have circled the wagons to save their Deputy Premier. You have to ask yourself: what kind of process is this when the executive remains in charge of the institutions that are deciding their fate? What kind of independence is that in our justice system?

Not only must justice be seen to be done but we must all know that the Attorney-General, who is the principal character in this play, is nowhere near the decision-makers, especially the Minister for Police, especially the Premier, especially meeting with the Chief Justice regularly, especially with the DPP deciding, as we know, budgets that are being compiled right now. As we speak, the internal organs of the government are working out the next budget. Meanwhile, the DPP is considering whether or not to charge the person who is deciding that very budget. How can they possibly stay in the cabinet?

There must be a debate today. I urge members, whether they support the ultimate motion or not, to allow this debate to occur. Allow the parliament to ventilate these arguments. Allow democracy to do its job.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (16:39): The member for West Torrens is happy to go around this building saying that he runs the place. He is happy to behave with extraordinary behaviours within this chamber. I am glad that the government—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —earlier today decided to allow him to have that excuse—

The SPEAKER: The member for West Torrens has never said that; he wouldn't dare.

The Hon. J.A.W. GARDNER: —for an apology earlier to the offence of obstruction against the house that he committed to be accepted.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Try to.

The Hon. J.A.W. GARDNER: We actually had nothing to fear from what he might possibly say today, and he has shown the reason for that to be true. Any possible reason upon which—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —a suspension of standing orders could possibly be made must start with a reasonable—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order! Member for West Torrens, you have had your go. Let's hear the reply.

The Hon. J.A.W. GARDNER: —case being made. The member for West Torrens made a series of assertions over his 10 minutes that were just figments of his imagination, an expression of the bullying behaviour he takes towards individuals in this chamber—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —and in this building, things that he would never say outside, because he is smart enough to know that that is just not something he could do, that speech he just made. He spent about a minute and a half talking about anti-corruption officers—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —within the South Australian police force, a group of people whom he says has been working hard and investigating this matter.

The Hon. A. Koutsantonis: They have.

The Hon. J.A.W. GARDNER: The member for West Torrens makes an assertion.

Members interjecting:

The SPEAKER: Order, members on my left! It is chewing into the time.

The Hon. J.A.W. GARDNER: The member for West Torrens makes an assertion that is not contained in the ministerial statement made by the minister today, that is not provided in the information to the government. The person who is saying this, making this case—

Mr Malinauskas interjecting:

The SPEAKER: Leader, please!

The Hon. J.A.W. GARDNER: —is the member for West Torrens. He has not established it. He is making up the case. He is asserting as fact things that have in no way been established. I know the member for West Torrens is very embarrassed as he wanted to get the Attorney-General—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

Mr Duluk interjecting:

The SPEAKER: Member for Waite, be quiet.

The Hon. J.A.W. GARDNER: —to the point of putting forward her case. The Attorney-General was very happy to do that and she sought leave to do that, and the member for West Torrens said no. The member for West Torrens declined to allow the Attorney-General to explain all these facts in front of everybody. The member for West Torrens—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —is the one who has been encouraging leave to be withdrawn. There was only one voice and his was the voice. The member for West Torrens is familiar with matters relating to corruption investigations. The member for West Torrens is familiar with ministerial responsibilities. He may well be the expert in some things, but that does not mean that he is not making things up in this circumstance.

He has a set of experiences relating to the matters, but he has cast aspersions on the Attorney-General, he has cast aspersions on the DPP and he has cast aspersions on the Commissioner of Police. All those opposite say that these are facts, but if they put them in a tweet and send them out, then I will encourage them to reflect on that sort of behaviour. If they say them out there, then I encourage them to reflect. This is why it is the generosity of the government to allow—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —the member for West Torrens, whose behaviour would not be allowed in any other workplace in the community, to continue behaving the way he does. He can stay in here this afternoon to put forward the so-called case that he just has. He has failed to make a case as to why there should be a motion. He has failed to make a case as to why there should be a suspension of standing orders. The referral of prosecution, facing charges—all these terms used by those opposite—are not terms that have been put forward. There has been a question, an assessment of a matter and there has been a—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: Those opposite were talking about referral for prosecution. It is just not true. They have made it up. There is a question of assessment of a matter.

Members interjecting:

The SPEAKER: Members on my left, I have allowed a tolerable amount of political argy-bargy, but I will ask members to depart if this behaviour continues.

The Hon. J.A.W. GARDNER: There is a ministerial statement, which updates the house—

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. GARDNER: —as to the matters in question. It was provided this afternoon. It was offered to be read out. Those opposite did not want it read out. They did not want to talk about it before question time—

Dr Close interjecting:

The SPEAKER: Deputy leader, please! He will be over soon.

The Hon. J.A.W. GARDNER: They are embarrassed about it and I would be embarrassed, too, if I were them, because they refused to allow the matter to be put forward clearly earlier. Now they realise they made a mistake and they have asked for it to be brought on again. They had their chance for a discussion; they declined it earlier. They have failed to make a case and this motion—

Members interjecting:

The Hon. J.A.W. GARDNER: We allowed the member for West Torrens to talk unimpeded for 10 minutes during which he made up—

The SPEAKER: I would not go that far.

The Hon. J.A.W. GARDNER: Mostly unimpeded for 10 minutes.

The SPEAKER: Yes. If this continues, I will be asking members to leave. They can come back for the vote.

The Hon. J.A.W. GARDNER: He failed to make the case. He made up a lot of stuff. He certainly does not deserve the priority of this house for the suspension of standing orders. He now seeks to obstruct the house again. He is now seeking to obstruct the house for the second time in a day.

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: Minister for Education, sit down. You should sit down. Member for West Torrens.

The Hon. A. KOUTSANTONIS: No member can accuse a member of misleading the parliament without a substantive motion, sir.

The SPEAKER: I do not think he said 'misleading the parliament'. He said you had made up a whole heap of stuff.

Members interjecting:

The SPEAKER: Please stop the clock. If this continues, I am going to ask the member for West Torrens and the Minister for Primary Industries to step out until the vote. Let's get on with it. There are five minutes left. The Minister for Education has the call.

The Hon. J.A.W. GARDNER: The case has not been made. The house's time has been wasted long enough by the member for West Torrens. It is time to say no to him.

The house divided on the motion:

Ayes 21
Noes..... 24
Majority..... 3

AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

NOES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Power, C.	Sanderson, R.
Speirs, D.J.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

Motion thus negatived.

Bills

CRIMINAL LAW CONSOLIDATION (FOSTER PARENTS AND OTHER POSITIONS OF AUTHORITY) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

Ms STINSON: Attorney, when did the government first become aware of what I am going to refer to as the loophole, which is the essential matter that this bill tries to resolve?

The Hon. V.A. CHAPMAN: I will have to check the date; I am happy to get that. It was three months ago that we introduced the bill, in the latter part of November. My recollection is that the bill was introduced on 28 November, so it would have been shortly before that that we were advised of it. Obviously, we had to go through the process of approval, but we were advised of it.

I am happy to find out specifically which of the agencies brought it to our attention. My recollection is that it was Legislative Services, but we will try to find that out in the meantime. Having been alerted to the potential issue that could allow somebody to escape prosecution, we consulted with the Department for Child Protection, South Australia Police, the Director of Public Prosecutions, the Law Society of South Australia's, the SA Bar Association, the Guardian for Children and Young People and the Commissioner for Children and Young People. I am advised that the first advice came on 2 November 2018, which I think was 26 days before we brought it to parliament.

Ms STINSON: Just to clarify that, did you clarify on 2 November which agency gave you that advice? Was it Legislative Services or someone else?

The Hon. V.A. CHAPMAN: Parliamentary counsel.

Ms STINSON: Was that the agency that advised you, or did it come through some other agency?

The Hon. V.A. CHAPMAN: No, it came from parliamentary counsel to my office. Then somebody tells me about it and we then say it looks like a matter that is an oversight in the drafting they have done previously on this bill. This has the potential for an opportunity for a smart defence counsel to be able to say that this particular person is not within the definition of a person of authority and therefore this particular person escapes.

As I think I explained during the course of the second reading, primarily this relates to the change of definitional use and, accordingly, for the reasons we have explained, the reinsertion of the term 'foster-parent'. It is specifically having a definition to be an 'approved carer' and any other person under one of the acts so that we capture that and obviously also deal with the variety of personnel who may be in charge of children in a residential care facility.

Clause passed.

Clause 2.

Ms STINSON: In a previous answer, the Attorney mentioned a number of government agencies and statutory bodies that were consulted on this amendment bill. Were any non-government agencies consulted at all? If so, could she tell me who they are?

The Hon. V.A. CHAPMAN: Yes, I did indicate two that are not government agencies. For the education of the member, the Law Society of South Australia is not a government agency and the South Australian Bar Association is not a government agency. They were both consulted.

Ms STINSON: Is the Attorney aware of any cases that may take advantage of the loophole that this bill seeks to remedy?

The Hon. V.A. CHAPMAN: I have not been briefed on any pending cases about which the argument had been raised. It was put to me in the prospective; that is, there is a possibility that this could be a loophole rather than there being any pending cases.

Ms STINSON: To be clear, have you inquired about there being any cases that your agencies might be aware of at this point in time, or indeed agencies in other parts of government, this might affect?

The Hon. V.A. CHAPMAN: I cannot recall specifically on this case. Usually when a matter is brought to my attention, and sometimes it is with specific information about a case which is pending to which there may be application of the law that is proposed, it is brought to my attention.

In this instance, it is generally my practice, when somebody comes to me and says, 'We need to tidy up something. There is a bit of a loophole,' to make a general inquiry—that is, is there any reason why we need to deal with this expeditiously?—and ask whether it can be incorporated in one of these Attorney-General bills we have every now and again to mop up any small matters. Generally, I make inquiries as to whether there is any basis for the matter to be expeditiously processed, that is, through the process of government and the party process.

In this case, I do not recall specifically asking that question, but I also do not recall there being any reason to expedite it, other than the fact that the legislation had just come into effect in October a few days before we were alerted to it, so we did need to come back to the parliament to deal with it. It had just started to be operative. It was not fast-tracked, to the extent that it was put through as expeditiously as it would be without jumping over other matters.

Clause passed.

Clause 3.

Ms STINSON: Following on from the Attorney's previous answer in relation to parliamentary counsel providing advice about this, can the Attorney shed any light on how that came about? As she mentioned, the legislation came into effect on 22 October. I am interested in why it was not picked up until after the 22nd and the sequence of events that might have detected the loophole.

The Hon. V.A. CHAPMAN: In short, no. When I was advised by the Office of Parliamentary Counsel of the identified potential deficiency, there was advice given on how they thought that could be remedied, which I can tell you is, in general terms, what is currently before us, and a general discussion about progressing that in the parliament. So, no, there is no identified indicator, other than to say that we identified a need to amend some provisions.

Ms STINSON: Could the Attorney take that on notice and find out how it came about? I know that sometimes these things are detected when the law is applied in a certain circumstance. I am interested in whether some sort of event happened that meant that people detected this, or whether it was part of, say, a regular review that people conduct of new acts. I would be interested to know if the Attorney would be happy to take that on notice.

The Hon. V.A. CHAPMAN: I am advised that it is probably because of the implementation, effective as of 22 October, which was really 10 days before, that the matter would have been viewed and of course reviewed in that sense. It would have been checked for the operation. I am advised that that is likely to be the reason that they then picked up this potential error.

Ms STINSON: I think that might be my three questions, but I have one final question, if you would indulge me.

The CHAIR: Yes, you can have another question.

Ms STINSON: Attorney, you obviously mentioned a number of government and non-government organisations that were consulted about this. Would you be able to produce those submissions?

The Hon. V.A. CHAPMAN: Consistent with practice that has been identified by the government, submissions received directly from agencies of the government are not released. The Law Society submission should be available online, if the member has not already viewed it, and similarly the Bar Association's, both of which are accessible to the opposition.

Can I just say that, although there was an issue initially alerted to us from the Guardian for Children, it was a mistaken understanding of an aspect of the bill, which was remedied, but there has been no objection identified from these parties who made a submission. Whilst we do not as a practice give you those of the government agencies for obvious reasons (they are advising within government), I can indicate to you that there has been no objection to the passage of this bill.

Clause passed.

The CHAIR: Member for Badcoe, we have had general questions on general clauses.

Ms STINSON: I have no further questions, Chair, other than to thank the staff for staying back. I know they have been delayed quite a lot.

Remaining clauses (4 to 8) and title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:06): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS NO 4) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 February 2019.)

Mr PEDERICK (Hammond) (17:07): I rise to support this important bill, the Rail Safety National Law (South Australia) (Miscellaneous No 4) Amendment Bill, noting that we are the lead legislator in regard to any of this national law. The bill amends the Rail Safety National Safety (South Australia) Act 2012, being the national law, by inserting new provisions relating to drug and alcohol testing, to provide an additional exemption to release documents under the Freedom of Information Act 1991 and to implement routine amendments arising from the national law maintenance process.

In December 2009, the Council of Australian Governments agreed to implement the National Rail Safety Regulator and develop a rail safety national law, which a regulator would administer. The National Transport Commission was tasked with developing this and the new Transport and Infrastructure Council was responsible for approving the national law. The Office of the National Rail Safety Regulator (the rail regulator) has an overarching function of working with rail transport operators, rail safety workers and others involved in railway operation to improve rail safety nationally.

It promotes safety, and safety improvement is a fundamental objective in the delivery of rail transport in Australia. As I indicated before, as the host jurisdiction South Australia is responsible for the passage of the national law and any amendment bills through the South Australian parliament and for the making of regulations to support the national law. Once commenced in South Australia, each participating jurisdiction has an application act that automatically adopts the national law and subsequent amendments into its own legislation.

For instance, Western Australia's parliament needs to first consider all amendments to the national law before they can be adopted. The national law came into operation on 20 January 2013 and the attached rail amendment bill is the fourth amendment package to come into play. The bill was drafted by the South Australian Office of Parliamentary Counsel and I thank them for their work. They did that work on behalf of the national Parliamentary Counsel's Committee.

In regard to this legislation, part of the new bill is about drug and alcohol management provisions. When approving the national law in 2012, the council requested a review of the current drug and alcohol legislative requirements, the scope of which the council approved in 2014. This review was completed in 2017 and considered by the council in May of 2018. It assessed and

compared the effectiveness in detecting drugs and alcohol and providing a deterrent for rail safety workers against the differing legislative arrangements in relation to drug and alcohol management in the national law, other industries in Australia and the international rail industry. It has allowed a very comprehensive look right across not just the country but the globe.

All jurisdictions, except Victoria, supported the amendments relating to urine testing at the May 2018 council meeting. Since that time, Victoria has reconsidered its position and now supports the rail amendment bill. Consequently, the rail amendment bill was considered by the council again and approved on 9 November 2018. Section 127 of the national law governs the requirement for a rail safety worker to submit to a drug screening test, oral fluid analysis or blood test, or a combination of these.

The rail amendment bill complements section 127 by including the ability to require urine testing as an alternative method of testing rail safety workers for drugs and alcohol. New section 122A of the rail amendment bill amends the national law by defining what constitutes a urine test. It also amends the national law by including urine tests as a method of testing in section 127. In new section 127A the bill also inserts a requirement for a rail transport operator to do all that is reasonably possible to facilitate an authorised officer in exercising drug and alcohol testing powers.

New sections 128A, 128B and 128C in the bill amend the national law by prescribing offences and penalties for hindering, obstructing, assaulting, threatening or intimidating an authorised person, or interfering, tampering or destroying urine, oral fluid or a blood sample. The bill, in section 129, also ensures that urine tests, together with the existing oral fluid and blood for a drug test, cannot be used for any other purpose.

In regard to the Freedom of Information Act 1991 (SA), section 263 of the national law prescribes acts, including the Freedom of Information Act, that apply as laws of a participating jurisdiction for the purposes of the national law. Section 244 governs how information obtained or a document accessed applies to a person exercising any power or function under the national law.

Over the past five years, the rail regulator has encountered a number of instances where the interpretation of the Freedom of Information Act has been very complex and/or contrary to the intention of the national law and requires further clarification. Consequently, the Rail Safety National Law (South Australia) (Miscellaneous No 4) Amendment Bill includes an amendment to section 244 of the national law to provide an additional exception for the release of documents where lawfully provided for under the Freedom of Information Act and in regard to the national law maintenance amendments.

The operation of the national law is routinely monitored by the National Transport Commission, the rail regulator and the jurisdictions to ensure its effectiveness and identify the need for any other minor administrative amendments that may be required to better facilitate the operation of the national law. As part of this process, the bill contains the following routine amendments:

- the ability to allow the rail regulator to access the use of private sector auditing as approved by council for the purpose of auditing the rail regulator's annual financial statements;
- amending definitions in section 4 of 'level crossing' and 'rail or road crossing', and deleting the definition of 'railway crossing' to ensure consistency in the national law;
- the creation of penalties for public road managers who fail in their risk management duties at a road or rail crossing consistent with the penalties for a rail infrastructure manager in section 107(1) for the same offences;
- providing the rail regulator the explicit ability to enter premises for drug and alcohol testing; and,
- substitution of the deleted 'railway crossing' with 'level crossing' in section 200.

If the bill is passed by the South Australian parliament, the rail amendment act will come into operation on a day fixed by proclamation. A separate cabinet submission for this proclamation, together with approval to make, as drafted, the Rail Safety National Law National Regulations (Fees) Variation Regulations 2018, which will support the operation of the rail amendment bill, will be

submitted for cabinet approval. The rail regulator has also requested that, once passed by parliament, the rail amendment act come into effect on 1 July 2019.

The proposed amendments in the bill were developed by the rail regulator in close consultation with the commonwealth, state and territory transport agencies and representatives of the Australasian Railway Association, the Australian Local Government Association and the Rail, Tram and Bus Union. All those consulted support the proposed amendments.

This legislation is about keeping our rail safe and keeping it operating into the future. I note that over time we have seen changes in the use of rail. It is getting to the stage now where the high-speed lines are some of the only lines in South Australia that are operating. Sadly, we saw decisions taken for a range of reasons several years ago with the Mallee lines: the line heading up through Karoonda to Loxton and the other line heading up through Lameroo to Pinnaroo. This mainly related to the deal stuck between Genesee & Wyoming and Viterra, who were the final operators on the line.

I remember commemorating and celebrating 100 years of rail out to the Mallee in 2006, my first year in this place. There is some really interesting history about different pioneers who initially went to areas throughout the Mallee—whether it was out through Karoonda to Loxton or out through Lameroo to Pinnaroo pre the rail line. They struggled out there on horseback or with horse and cart and cleared their blocks by hand to set up their livelihoods. A lot of those families are still present in the Mallee area today. At the time of the early 1900s, rail really opened up that country for future development. It allowed better and more efficient delivery of—

Mr Basham: Cream.

Mr PEDERICK: —cream, yes, according to the member for Finniss—a renowned dairy farmer from Mount Compass. That is exactly right. Rail was a vital part of delivering produce to larger towns and cities.

I remember that as a young bloke working on the farm, a few decades ago now, you would pick up your bags of fertiliser off those covered rail carriages. You would hate to do it now with the bulk of cropping in acres or hectares, whatever people call them now. It was pretty solid work. In the early 1900s right through to the latter part of the 20th century, there was still a reasonable amount of stock being carted by rail.

Obviously, there were huge stockyards in place for both cattle and sheep at many rail yards. Tailem Bend had a huge saleyard adjacent to the rail yard, and it was a vital link. As time went on, it became far more efficient for larger road freight vehicles to pick up directly from the properties and deliver the stock to save the double handling. Back in the day, when the numbers were not so high and people were operating smaller concerns, smaller operations, it was a very vital link and also for getting grain out of the communities.

Thankfully, I am not much older because I would have had to be involved a lot more with the huge grain stacks that grew up around harvest time around all country sidings. I must commend the way the older farmers used to do it. There would be a bloke operating the harvester. They would do the bagging off the harvester and then they would pull up and put them all in a stack in the paddock. They opened bags and made sure they filled them up, using a funnel device to make sure they were topped right up. The bags were stitched up and carted into the stacks where they would use the elevators to pile up the many bags of grain.

As time passed, bulk handling was introduced. I remember when I was 17 that we had flat-topped rail wagons with sides. Back in the day, they were a few feet high, or probably only 1½ metres high on the sides, but if you put any bulk commodity in there (because they had doors on the side of them) you had to fill them in with newspaper before you could load them, otherwise you would have leaks all the way up the line. Things have progressed well from there.

Those same rail trucks were used for bringing fertiliser out to communities or for sending grain back through to Port Adelaide, in my case, or to other ports for distribution and sale. Rail has made a huge contribution. I have made mention of it in here before. Back in the early nineties, when I worked on the Melbourne-Adelaide rail standardisation project, sadly, as I have said here before, I was compelled to join the Australian Workers' Union for three months.

Mr Duluk: That's outrageous.

Mr PEDERICK: It is outrageous that I had to do that so I could have a job just as a contractor, just as a bloke operating his farm, looking for a bit of extra cash.

Mr Duluk interjecting:

Mr PEDERICK: That's right. No freedom of choice. For the member for Waite's information, it was the blackest three months of my life. I have said here before that I actually had to buy a union ticket just to better myself. I was only recounting—

The Hon. A. Koutsantonis interjecting:

Mr PEDERICK: If you want to talk on this, you can get up in a minute. I was only recounting—

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

A quorum having been formed:

The DEPUTY SPEAKER: The member for Hammond has three minutes to go, I believe.

Mr PEDERICK: Thank you, Mr Deputy Speaker. I want to talk about compulsory unionism now that I have got to it, and not just in relation to what happens on the rail. I mention this—

The Hon. A. KOUTSANTONIS: Point of order, sir: despite the eloquence of the member for Hammond, unionism is not on debate here, sir; the national rail law is the debate.

The DEPUTY SPEAKER: Member for West Torrens, I uphold your point of order. I bring the member for Hammond back to the debate in relation to the rail bill.

Mr PEDERICK: Thank you, Mr Deputy Speaker. I was just saying that back in the nineties when I was working on the—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Hammond is to be heard in silence. Could members find their place.

Mr PEDERICK: Thank you, Mr Deputy Speaker, for your protection. Back in the early nineties, when I was working on that Melbourne-Adelaide rail standardisation project—

Mr Duluk: With any union members?

Mr PEDERICK: We all had to be union members. It was outrageous. It was forced upon us.

The DEPUTY SPEAKER: The member for Hammond will not respond to interjections.

Mr PEDERICK: No, I am not worried about that.

The DEPUTY SPEAKER: No, but I am.

Mr PEDERICK: It is not unlike what the shoppies union inflicts on young workers, whether they are working in the Big Ws, Woolworths, McDonald's—

The Hon. A. KOUTSANTONIS: Point of order.

The DEPUTY SPEAKER: Member for West Torrens, I am guessing your point order and I am going to uphold it.

The Hon. A. KOUTSANTONIS: With the wisdom of Solomon, sir, it is relevance.

The DEPUTY SPEAKER: I ask the member for Hammond, in the remaining two minutes, which is not long, to come back to the Rail Safety National Law please. Direct your comments to that bill.

Mr PEDERICK: Sorry, Mr Deputy Speaker, I was just reflecting on how the shoppies union negotiated enterprise bargaining agreements under the award rate—how outrageous.

The DEPUTY SPEAKER: Member for Hammond, you are called to order. Have you finished?

Mr PEDERICK: No, I am still going, sir.

The DEPUTY SPEAKER: You are called to order, though.

Mr PEDERICK: I met some very interesting people back in those days when we worked on the rail, and I would like to catch up with some of those people. I would have done a few more weeks, but I had to get home to work on the farm. I worked on the section between Coomandook and just south of Keith. It was interesting—we had one of those moments that you see in the Wild West. We had crews from each end and we met for a photograph. There would have been 60 or 80 men in that photograph who completed the mission to make sure that we got some standardisation of rail into the Australian—

The Hon. V.A. Chapman: Did you have one of those things that you push up and down?

Mr PEDERICK: We had some of those wagons. We had an unclipping machine that roared along, but we had progressed from the hand pump: we had a Honda motor that kept it going, so progress had been made. What I would like to say in the few seconds I have left is that rail has done great things for this state and this country, and it is just a pity that some companies do not recognise the value of it moving forward to help make this country grow and prosper into the future as it should. I commend the bill.

The Hon. A. KOUTSANTONIS (West Torrens) (17:30): I am the opposition's responder to this bill. In the shadow of the lion of the Barossa—

The DEPUTY SPEAKER: Member for West Torrens, can I interrupt. Are you the lead speaker?

The Hon. A. KOUTSANTONIS: Yes, I am, sir. In words of compulsion, I just lost 10 minutes of my life I will never get back listening to the member for Hammond make an incoherent, rambling speech—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for West Torrens is to be heard in silence. You have the call.

The Hon. A. KOUTSANTONIS: Thank you, sir, for your protection. It was an incoherent, rambling speech that did not touch on the issues. It went from fast-food workers to the Shop Distributive and Allied Employees Association, to the Australian Workers' Union, to some sort of rambling motions with his hands at the very end. If anyone in the public actually watched that contribution, they would say to themselves: how is our public money being spent on these debates?

What we have before us is a national reform. I was one of the ministers involved to help establish these national laws. They are vitally important because for far too long rail law has been considered a state-by-state jurisdiction issue. It was so obviously ad hoc and incoherent that for a large part of our Federation different gauges were rolled out across the country. Even to this day, we are still standardising national laws governing the movement of freight on rail.

The DEPUTY SPEAKER: Three separate gauges in this state alone.

The Hon. A. KOUTSANTONIS: Yes, sir. I blame Tom Playford personally.

The Hon. V.A. Chapman: They were there before him.

The Hon. A. KOUTSANTONIS: Not much was here before him, to his credit. I think that this reform deserves a little bit of respect, more than it was given previously. What the minister has brought into this parliament are some fundamental reforms that should be supported unanimously by this parliament, and we will. We will support them unanimously despite some of the objections by my Victorian colleagues initially about the nature of urine testing, which was so eloquently established by the member for Hammond in his keen understanding of the reforms before us. It is important to know that, as you cross jurisdictions, there is a consistency of urine analysis and drug testing for legal purposes, as there should be.

I think these are good reforms. I congratulate the council and I congratulate the minister. This legislation was not developed by the state government or by the cabinet, as we were told by the member for Hammond: it was developed nationally. When legislation is developed nationally, the Council of Australian Governments comes together and makes decisions about whether the reforms should be implemented. All other jurisdictions rely on the South Australian parliament to be the national lead legislator, as they do for the energy sector. I think it is a credit to both sides of this parliament that we are able to put our political differences aside and allow a process that occurs outside our state and our parliament to help dictate our laws for the greater good.

There were some people at the introduction of the process of the Council of Australian Governments (COAG) who were opposed to the idea of somehow allowing external bodies to dictate what legislation we would pass. Ultimately, the legislation before us today has been agreed to by the cabinet and will be agreed to by the parliament. There is no compulsion on us. What it really is, though, is good cooperative federalism. It shows that we can work together to come up with very good solutions.

I want to thank the minister and his office for the briefing notes they gave me. They were crudely read out to the parliament by the member for Hammond. Of course, he added his own fine touch, talking to us about stuffing in newspapers and jamming railway cars and so not allowing grain or other elements to leave, which was, I think, fascinating and added to the debate so much. The legislation is about drug and alcohol management and defining what constitutes a urine test. The methodology and the thinking behind this should be applauded.

I am not quite sure why my Victorian colleagues opposed this initially, but they have come to their senses and supported it. I assume that it was on the basis of some sort of legal process that they were concerned about or people being treated unfairly or some sort of compulsion for some sort of medical examination. I do not know the details; I was not at the council. However, if I had been at the council I would have agreed with minister Knoll that the right course of action here is, of course, for a national standardised test, and we support that.

The FOI legislation amendments I think speak for themselves; a consistent approach across jurisdictions makes sense. The maintenance amendments are very simple and go to the ability to allow the rail regulator to access the use of private sector auditing. I have no problem with that. It is a good cost-saving measure and allows a bit more nimbleness by the regulator by not requiring a wait on government auditing processes for the purpose of auditing the rail regulator's annual financial statements. I could be wrong here, but I understand that the rail regulator does impose levies to regulate the industry, so it is important that those finances are audited appropriately, as we heard said eloquently by the member for Hammond.

Also, allowing the regulator the explicit ability to enter premises for drug and alcohol testing I think is a good idea, and I am glad that the council has agreed to do so. The consequences of someone using this type of machinery or its associated machinery under the influence of drugs or alcohol could be life threatening and damage a very important industry that is the lifeblood of so many regional communities and the lifeblood of so many communities across the nation—which we heard said so eloquently from the member for Hammond. Of course, there are some other rats and mice amendments around the definition of railway crossings, etc.

Without wanting to labour the point, the Labor opposition will support this process through all stages in both houses of parliament speedily. I understand from speaking to my colleague the member for Lee that this process began a long time ago, and it is my unfortunate duty to report the slowness of the process of national reforms. One of the great things about our parliament is that once those reforms are agreed we have a speedy passage to get it started.

The nation is relying upon us to get these reforms done, as we heard so eloquently again from the member for Hammond in his contribution to the house. Wasn't it a fine example of parliamentarians speaking with authority on an issue before the parliament of such significance to the nation, as the member for Hammond just did? Wow, people watching it would have been so impressed. With those few words, I hope we can pass this legislation quickly and get it through the House of Assembly through all stages and get it to the upper house to be passed through all stages for assent so that it can become the national rail law. I commend the bill to the house.

Debate adjourned on motion of Hon. D.C. van Holst Pellekaan.

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Final Stages

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

No. 1. Clause 11, page 7, after line 18 [inserted section 74BN(1)]—Before the definition of *computer* insert:

> *child exploitation offence* means any offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest;

No. 2. Clause 11, page 7, lines 34 and 35 [inserted section 74BN(1), definition of *investigator*]—Delete the definition of *investigator*

No. 3. Clause 11, page 7, lines 36 to 39 [inserted section 74BN(1), definition of *serious offence*]—Delete the definition of *serious offence*

No. 4. Clause 11, page 8, line 20 [inserted section 74BQ]—Delete 'or an investigator,'

No. 5. Clause 11, page 8, lines 27 and 28 [inserted section 74BR(1)]—Delete 'or an investigator'

No. 6. Clause 11, page 8, line 30 [inserted section 74BR(1)]—Delete 'or an investigator'

No. 7. Clause 11, page 8, lines 38 and 39 [inserted section 74BR(1)(c)]—Delete 'or investigator'

No. 8. Clause 11, page 9, line 4 [inserted section 74BR(3)(a)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 9. Clause 11, page 9, lines 6 and 7 [inserted section 74BR(3)(b)(i)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 10. Clause 11, page 10, line 1 [inserted section 74BR(6)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 11. Clause 11, page 10, line 9 [inserted section 74BS(1)(c)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 12. Clause 11, page 10, line 25 [inserted section 74BT(1)]—Delete 'or an investigator'

No. 13. Clause 11, page 10, line 29 [inserted section 74BT(1)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 14. Clause 11, page 10 lines 29 and 30 [inserted section 74BT(1)]—Delete 'or investigator'

No. 15. Clause 11, page 10, line 34 [inserted section 74BT(1)(a)]—Delete 'or investigator'

No. 16. Clause 11, page 11, line 6 [inserted section 74BT(1)(b)]—Delete 'or an investigator'

No. 17. Clause 11, page 11, line 8 [inserted section 74BT(1)(c)]—Delete 'or investigator'

No. 18. Clause 11, page 11, lines 10 and 11 [inserted section 74BT(1)(c)]—Delete ', subject to subsection (2),'

No. 19. Clause 11, page 11, lines 13 to 17 [inserted section 74BT(2)]—Delete subclause (2)

No. 20. Clause 11, page 13, lines 9 and 10 [inserted section 74BW(3)(a)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 21. Clause 11, page 13, line 12 [inserted section 74BW(3)(b)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 22. Clause 11, page 13, line 13 [inserted section 74BW(3)(b)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 23. Clause 11, page 13, line 14 [inserted section 74BW(4)]—Delete 'or an investigator'

No. 24. Clause 11, page 13, line 16 [inserted section 74BW(4)]—Delete 'or investigator'

No. 25. Clause 11, page 14, line 30 [inserted section 74BY(1)(c)(i)]—Delete 'serious offences' and substitute 'child exploitation offences'

No. 26. Clause 11, page 14, line 38 [inserted section 74BY(1)(d)]—Delete 'serious offence' and substitute 'child exploitation offence'

No. 27. Clause 11, page 15, lines 1 to 30 [inserted section 74BY(2)]—Delete subclause (2)

No. 28. Clause 11, page 15, lines 31 and 32 [inserted section 74BY(3)]—Delete 'and the Independent Commissioner Against Corruption'

No. 29. Clause 11, page 16, lines 1 and 2 [inserted section 74BZ(2)]—Delete 'and the Independent Commissioner Against Corruption'

At 17:40 the house adjourned until Tuesday 19 March 2019 at 11:00.