LEGISLATIVE COUNCIL

Tuesday, 5 May 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:18 and read prayers.

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

Bills

FAIR WORK (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STAMP DUTIES (OFF-THE-PLAN APARTMENTS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

PUBLIC FINANCE AND AUDIT (TREASURER'S INSTRUCTIONS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

REAL PROPERTY (PRIORITY NOTICES AND OTHER MEASURES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Condolence

PAYNE, HON. R.G.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:21): With the leave of the council I move:

That the Legislative Council expresses its deep regret at the passing of the Hon. Ronald George Payne, former member of the House of Assembly and former minister in the Dunstan, Corcoran and Bannon governments, and places on record its appreciation of his distinguished service to the people of South Australia and that, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

I rise today to pay respects to the Hon. Ronald George Payne, a former member of the House of Assembly for the seat of Mitchell and minister under no less than three Labor premiers. Early last month, we learnt with great sadness of the passing of Ron Payne. Today we honour a remarkable South Australian politician whose values of decency, hard work and loyalty are a reminder to us all, particularly to those who aspire to a life of service to our community. Ron was born in Alberton in 1925 and as a boy growing up in the Depression saw more than his fair share of hard knocks. Food was hard to come by and at one stage he spent a number of years in the Morialta Children's Home.

It is not hard to imagine that these humble beginnings and tough formative experiences must have influenced his political outlook, and later his deeply compassionate approach, particularly in his role as community welfare minister in the Dunstan government. As a young man he found work as a telegraph messenger with the PMG. At 17, with World War II in full swing, Ron joined the Royal Australian Navy, serving three years as a gunner aboard the *HMS Deloraine* minesweeper corvette, with a very illustrious history.

While on shore leave in 1946 he met his future wife Betty, and I understand that it was on Beehive Corner, where they were both stood up by their respective dates. Ron was not demobilised

until some years after the war finished, as there was still much clearing of mines to be done after the hostilities had ceased. In 1948 Ron and Betty married, and Ron found work again with the PMG, first as a postman, and later he trained as a telephone technician.

Using his accrued war service back pay he put a deposit on a block of land in what was then the relatively new suburb of Clovelly Park. The house he built in Scottish Avenue for his beloved wife Betty and their two girls, Tracy and Sandahll, was to be his only home. As well as it being a warm and loving family home, he would run off ALP newsletters in the back shed, where he repaired old radios and worked on the Chevys, Pontiacs and Buicks, for which he apparently had a great love.

In the 1960s he moved from the PMG to the South Australian Institute of Technology, where he worked as a senior engineering technician. His interest in politics inevitably brought him into contact with the impressive Labor Party organisation in Adelaide's southern suburbs, with people of the calibre of Geoff Virgo, Ralph Jacobi and many others. Ron Payne was a close associate and protégé of Virgo's and when a boundary distribution saw Virgo's seat in Edwardstown split and the new seat was created, Ron, as a leading member of the local community, was the logical choice as the ALP candidate.

His election to the seat of Mitchell in 1970 was the beginning of seven terms and 19 years as local member. Those who saw or experienced Ron at work in those days talk of him as a consummate local member. He knew and served his electorate extraordinarily well. Ron was one of those who had built their homes in the early days when the streets were only slowly populated by a few, fresh, bare houses full of young and optimistic working families with young children. He knew their problems, their concerns, their challenges, and as the local member he tackled those issues with extraordinary diligence and commitment, because their lives were his life—it was that simple and that straightforward for him.

In 1975, Ron became minister for prices and consumer affairs and minister for community welfare in the Dunstan government, both of which he tackled with his usual toughness and thoroughness. He served as minister of planning, water resources and housing in the Corcoran government; however, it was his term as minister for mines and energy in the Bannon government from 1982 to 1988 that was his greatest source of pride in his political career.

The controversy surrounding the Roxby Downs Indenture Bill and the issues around the treatment of the Pitjantjatjara people required a safe and steady pair of hands. It is a tribute to Ron Payne's intelligence and his ability as minister that Roxby Downs moved through its early expansion phase in the 1980s so effortlessly and with very few controversies. Given the potentially divisive political issues that were swirling around the project at the time, it was a truly amazing achievement that happened in a quite seamless way because it was handled so deftly by him.

Ron Payne was one of a particular class of politician who are among the very best of us but do not want to see their name up in lights or splashed across headlines. Instead, satisfaction is to be found in the thousands of modest successes helping people at a grassroots level, just doing a low-key, extremely capable and professional job as minister. Quiet and no-nonsense, he was extremely effective; it is a rare political art and Ron Payne was one of its greatest practitioners.

Finally, mention must be made of Ron Payne's sensible dress style. He was a man who brought informality to the parliamentary dress code and dress sense. Even before the famous Dunstan pink shorts, Ron famously appeared in parliament without a tie and with his shirt sleeves rolled up. Apparently that had been unheard-of before then, and he rarely wore a tie and preferred to wear not a suit but rather a reefer or a bomber jacket.

In retirement Ron kept up a busy life in the Clovelly Park area enjoying cricket. His wife Betty must be acknowledged today and between them they were a formidable political pair. She suffered blindness for the last 20 years of her life and Ron devoted a great deal of his latter years caring for her. His passing on 9 April marks the passing of the last World War II veteran who served in a South Australian state Labor government. It is also a reminder to us of the inspiring values and fundamental decency of people like Ron who went through the terrible hardship of the Depression and more, yet triumphed to create a better South Australia for all of us. May Ronald George Payne rest in peace.

The Hon. J.M.A. LENSINK (14:29): I rise to support the remarks of the Leader of the Government in the Legislative Council and to add some condolences on behalf of all Liberal

members. Mr Ronald George Payne served for 19 years in the House of Assembly and for that entire period of time in the electorate of Mitchell. For 13 of those years he was a minister in the Dunstan, Corcoran and Bannon governments. For a couple of months in 1975 he was minister for prices and consumer affairs. He also then subsequently served as minister for community welfare from 1975 to 1979. Then, for six months, he was minister for planning and water resources and housing during that period and, finally, as has been mentioned, he was minister for mines and energy from 1982 to 1988, during which time, I think it is understood, he made a great contribution to this state.

In his maiden speech to the parliament he raised a number of issues. He had been a former employee of the South Australian Institute of Technology, which has become the University of South Australia and, during that speech, he spoke about a number of issues in relation to technology, the union movement and aged care. Early in his career, he pointed to a sense of humour when he said:

> I feel bound to report that at least one elector informed me that he was glad to be able vote a Payne into Parliament because Parliament had given him many a pain in years gone by.

There were a number of issues that took place during his ministerial career, things that I think echo matters we continue to see today. In his earlier ministerial career, as minister for community welfare, he referred to social workers, and there was an article published in 1977 which said, 'Cut out social jargon—Payne', where he is quoted as saying:

> There appears to be a need for a simpler, more basic qualification which will equip social workers to work effectively in the field.

And it was recommended that social workers should periodically go back to university or college to gain special knowledge relevant to their work, and we may see echoes of some of those matters in some of the challenges we have been facing at a state level.

He also, interestingly, had quite a role in the uranium debate. At one point, there was a report done under his tenure as the minister for mines and energy in which he said 'that the option was still open, given the debate that is currently taking place at government level'. It has certainly been a long time coming, but clearly that was on his radar at the time.

Further, wind energy was mooted as a potential source of energy, which would be then preferable to nuclear as an option. Hydroelectricity is another issue that was looked at during his term. At that particular point, the Warren Reservoir, close to the Barossa Valley, was being examined as a potential source there. A number of other issues—gas, Roxby Downs—the leader of the government has referred to as well.

Sometimes it is these quirks of reporting which do catch our eye, and the leader of the government did refer to the honourable member's attire. It was reported, on Mr Payne's retirement, about the fact that he eschewed the wearing of a tie, and I quote:

> He knows he's worn a tie, but he can't remember when. Sporting an open necked shirt and reefer jacket, typical attire during his 18 years in politics, Mr Ron Payne's last days as a State Minister ended with a bang yesterday.

One of the editorial comments referred to how this quality of his for not wearing a tie, a tie being deemed to be not necessarily appropriate for our environmental conditions, made him quite endearing. There are a number of references throughout articles on Mr Payne which I think do refer to his decency. Clearly, he was a minister who took his role seriously and acted in a very conscientious manner throughout his tenure. We pass on our condolences to his family. I support the motion.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:35 to 14:55.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Report, 2013-14—
Corporation—City of Burnside
Report of the Auditor-General, April 2015, on the Probity of the Processes leading to the Awarding of a Service Contract—Provision of Passenger Transport Services in the City of Whyalla

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Reports, 2014—
Office of the Training Advocate
Small Business Commissioner
Training and Skills Commission
Regulations under the following Acts—
Community Titles Act 1996—Fees
Development Act 1993—Port Adelaide Regional Centre Zone
Real Property Act 1886—
Fees
Verification of Identity
Registration of Deeds Act 1935—Fees
Strata Titles Act 1988—Fees
Rules of Court—
District Court Act 1991—
Amendment No. 29
Criminal—
Amendment No. 1
Magistrates Court Act 1991—
Civil—
Amendment No. 8
Supreme Court Act 1935—
Civil—
Amendment No. 28

By the Minister for Business Services and Consumers (Hon. G.E. Gago)—

Office of the Small Business Commissioner—Report of Factual Finding, 23 March 2015
Regulations under the following Acts—
Residential Parks Act 2007—Payment of Bonds
Residential Tenancies Act 1995—Bonds
Notice under Various Acts—
Gambling Codes of Practice—General

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

Reports, 2012
Maternal, Perinatal and Infant Mortality in South Australia
South Australian Abortion Reporting Committee
Reports, 2013-14—
Adelaide Hills Wine Industry Fund
Apiary Industry Fund
Barossa Wine Industry Fund
Cattle Industry Fund
Citrus Growers Fund
Clare Valley Wine Industry Fund

Deer Industry Fund
Eyre Peninsula Grain Growers Rail Fund
Grain Industry Fund
Grain Industry Research and Development Fund
Langhorne Creek Wine Industry Fund
McLaren Vale Wine Industry Fund
Olive Industry Fund
Pig Industry Fund
Riverland Wine Industry Fund
SA Rock Lobster Fishing Industry Fund
Sheep Industry Fund
South Australian Alpaca Advisory Group
South Australian Apiary Industry Advisory Group
South Australian Cattle Advisory Group
South Australian Deer Advisory Group
South Australian Goat Advisory Group
South Australian Grape Growers Wine Industry Fund
South Australian Horse Industry Advisory Group
South Australian Murray-Darling Basin Natural Resources Management Board
South Australian Pig Industry Advisory Group
South Australian Sheep Advisory Group
South Australian-Victorian Border Groundwaters Agreement Review Committee

Regulations under the following Acts—
Major Events Act 2013—AC/DC Concert
Primary Industry Funding Schemes Act 1998—Rock Lobster Fishing
Primary Produce (Food Safety Schemes) Act 2004—Dairy Industry

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Save the River Murray Fund—Report, 2013-14

By the Minister for Manufacturing and Innovation (Hon. K.J. Maher)—

South Australian Local Government Grants Commission—Report, 2013-14

Ministerial Statement

CHILD PROTECTION

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:00): I table a copy of a ministerial statement relating to Chloe Valentine's inquest findings made earlier today in another place by my colleague the Deputy Premier, Hon. John Rau.

SMALL BUSINESS COMMISSIONER

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:00): I table a copy of a ministerial statement relating to the annual report of the Small Business Commissioner made earlier today in another place by my colleague the Treasurer, Tom Koutsantonis.

APY EXECUTIVE

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:00): I seek leave to make a ministerial statement in relation to the governance and financial management of the APY Executive Board.

Leave granted.

The Hon. K.J. MAHER: Members would be aware of concerns about the governance and financial management of the APY Executive Board. Indeed, members have raised this with me as a matter of importance to them, and I thank them for that. The role of the APY Executive Board is to manage land and culture on behalf of traditional owners. The APY Executive Board has a leadership role in the community. However, the board is not responsible for service delivery, such as health and education services. Indeed, the APY Land Rights Act defines the powers and functions of the APY board as:

(a) to ascertain the wishes and opinions of traditional owners in relation to the management, use and control of the lands, and to seek, where practicable, to give effect to those wishes and opinions; and

(b) to protect the interests of traditional owners in relation to the management, use and control of the lands; and

(c) to negotiate with persons desiring to use, occupy or gain access to any part of the lands; and

(d) to administer land vested in Anangu Pitjantjatjara Yankunytjatjara.

I think it is fair to say that progress is being made in improving accountability and transparency for the APY Executive Board. I am pleased to inform members that a new interim general manager of APY, Mr Richard King, commenced in that role on 20 April 2015, following his appointment by the APY Executive Board. Mr King has only been in the position for a short time. However, there have already been a number of significant improvements in the operation and transparency of the APY Executive Board.

Mr King is an Aboriginal man from the Northern Territory with long-term involvement in both the health and justice sectors. He is a tradesperson with building experience, holds a Bachelor of Health Science in health promotion, and is working towards his Master of Public Policy. He is also, I note, an accomplished artist. He has worked at senior levels in the South Australian public sector for the last 13 years, including in Corrections. He clearly has the ability to manage and resolve complicated and high-pressure situations.

In the short term, Mr King is working to resolve some of the more immediate financial issues, for example, ensuring bank reconciliations are performed, enforcing new financial delegation policies and identifying outstanding payments for cattle agistment. Mr King is receiving support and advice on a range of issues from senior staff in state government, and this will continue until the organisation has achieved stability.

As a further demonstration of the intention of the APY to operate in an open and transparent manner, Mr King has agreed to brief members of the Aboriginal Lands Parliamentary Standing Committee regularly to keep them informed of developments on the lands and improvements that are being made. I envisage that this will happen quarterly.

I am also pleased with the way that I have been able to work with the APY Executive Board, and I know that they are committed to continuing to improve their governance structures and financial management and control. I am optimistic that Mr King will be able to continue to make significant improvements, as he has made a commitment to do so. What we need now is for people to give Mr King an opportunity to make change, to give him clear air to make progress, and to make a break with the past and begin rebuilding trust.

The second quarter funding was recently released to APY. This funding was released as a result of APY meeting additional accountability and transparency requirements, and I trust that they will continue to do so. Indeed, Mr King has written to me outlining his commitment to ensure this occurs. He has also advised that one of his priorities is to help guide the upcoming APY elections to a successful outcome.

The nomination period for the election commenced on Thursday 30 April 2015 and closes on Thursday 7 May 2015. Following this election, the government will, in partnership with the APY, progress the recommendations of the Layton Review as already consulted with the APY. My department is currently working on draft legislation, and I intend to progress that legislation over the next 12 months or so. I hope the election will bring new perspectives to the Executive Board, and it is my expectation that members of the board will be provided with training in governance and financial management.

Members would be aware that KPMG have recently conducted a sample audit of APY records to assess financial controls, reporting requirements and compliance with expenditure authorities. The report found there is still significant work to be undertaken. In the interests of procedural fairness, the draft report will be tabled at the next APY Executive Board meeting on 13 May 2015 where APY will be afforded the opportunity to respond, and then a final report will be made. It is my intention to make this report public as soon as possible.

In addition, I am advised that this week a request for tender has gone out to market for two tasks. Firstly, to undertake a forensic audit of the expenditure of all state and commonwealth government funds provided to APY in the year ending 30 June 2015. Secondly, to make necessary changes to APY's financial management system to ensure that sufficient policies, procedures, controls and processes are in place from 1 July 2015 so that state and commonwealth government funding expended in the 2015-16 financial year and beyond is according to the requirements of the relevant funding agreements.

The state will not release third and fourth quarter funding until APY can demonstrate that their governance and financial systems and controls have improved. The commonwealth have recently taken the practical step of joining with us in placing tighter financial controls on APY and have also decided not to release additional funding until this can be demonstrated. My office and I have been in close contact with minister Scullion and his office, and I understand that previously-committed funding will be provided, but new funding will not be provided at this stage.

Although I disagree with many of the actions of the federal Liberal government in my other portfolio areas, I appreciate the relationship I have developed with Senator Scullion on many Aboriginal affairs matters. His commitment to reach an agreement regarding municipal and essential services delivered a positive result for Aboriginal communities in South Australia and is an example of what working constructively together can achieve.

Our two governments are also working together on supporting the new Mai Wiru freight service delivering fresh fruit and vegetables from Adelaide direct to the lands at cheaper prices than before, and upgrading 210 kilometres of the main access road between the Stuart Highway and Pukatja. Senator Scullion and I will be working closely together to improve the accountability and transparency of the APY, as well as finding opportunities to increase economic and employment opportunities for Anangu and deliver the most effective services.

The former minister for Aboriginal affairs and reconciliation wrote to the Auditor-General to ask that he consider conducting an audit of the APY accounts pursuant to the APY Act. To maintain the integrity of the report, I understand it is not common practice for the Auditor-General to publicly canvass the precise nature of his investigations, but I am advised that the Auditor-General's Department is giving regard to government actions in response to the APY matter in the current audit program, recognising the government's responsibilities as set out in the APY Act.

The state is also working with APY to reduce their reliance on lawyers and their legal costs. Obviously, there will still be occasions where APY need to seek legal advice, but not for many of the day-to-day matters that have resulted in exorbitant legal bills.

Members should also be aware that I am still not opposed to appointing an administrator. However, this is not my first preference. Indeed, if improvements are not made, the appointment of an administrator will have to be considered.

A number of a Anangu I have spoken to on this topic have changed their mind on the appointment of an administrator. Many did not realise that following the appointment of an administrator, the APY Executive Board would be suspended with an administrator taking on all their powers. The ability to appoint an administrator has been an important tool in ensuring that the transparency reforms undertaken by the APY Executive Board were followed through and maintained. I am pleased that due to the actions of the APY Executive Board, the government has not yet needed to appoint an administrator.

I prefer to work with Anangu. I believe we need to give the new general manager and, shortly, the newly-elected board, the support they need to create positive change for people living on the APY lands. I want to see, as I am sure do other members in this place, and in the other place, an

APY Executive that is transparent, committed and responsible. I believe we have made some significant steps forward in creating the environment for that to occur, and I look forward to further progress being made.

Question Time

SHARK CAGE DIVING

The Hon. J.M.A. LENSINK (15:15): My questions to the Minister for Sustainability, Environment and Conservation, regarding the expansion of shark cage diving sites, are:

1. Are burley and baiting at the additional sites being considered?

2. Will the minister outline what scientific monitoring occurs as part of shark cage diving operations?

3. How much does DEWNR receive annually in licence fees?

4. Will the minister publish the full licences after they are approved on 1 July?

5. Was the minister's department instructed to embrace this proposal because of the enthusiasm of the Minister for Tourism?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:16): I thank the honourable member for her most important questions. In 2014, cage diving with great white sharks attracted over 9,000 people to the Eyre Peninsula, I am advised. Its popularity has grown by over 10 per cent per year for the last three years and it now contributes over $11 million to the state economy and supports approximately 70 jobs.

Shark cage diving takes place at the Neptune Islands (Ron and Valerie Taylor) Marine Park, which is one of Australia's main aggregation areas for great white sharks. Shark cage diving in the Neptune Islands Marine Park is just one fantastic example of how marine parks can provide opportunities for ecotourism and help support regional economies.

This government has and will continue to work with shark cage diving operators. That is why we are extending licence terms for each of these operators from the current term of five years to a term of ten years. This will provide operators with the certainty they need to attract finance to grow their businesses. It is expected that this initiative will have many flow-on benefits to small businesses involved in the tourism, transport, hospitality and retail industries by attracting more people to the Eyre Peninsula region.

On 2 February 2015, a great white shark was attacked, I am advised, by a killer whale at the Neptune Islands and operators reported a lack of shark sightings for the following six to eight weeks. I understand that sharks have now returned to the area, with a few individuals spotted in mid-April. My department received a proposal from the shark cage diving industry to lessen the impact of this event by allowing operators to access alternative sites. I am advised that a public consultation process to determine views on the proposal opened on 31 March 2015 and closed on 10 April 2015. I understand that a total of 61 submissions were received.

A significant level of opposition to the practice of shark cage diving was expressed in submissions. As a result, I am advised that shark cage diving tour operators are currently re-evaluating their plans and are expected to decide whether to refine their proposal and proceed with broader public consultation. I am advised that due to the lack of support from the broader community, one of the operators, Calypso Star Charters, has withdrawn from the industry proposal entirely. It is up to the shark cage diving industry to now determine whether they would like to proceed with a revised proposal to the South Australian government. In relation to the honourable member's question about licence fees collected by DEWNR, I will have to take that question on notice and bring back a response to the chamber.

SHARK CAGE DIVING

The Hon. J.M.A. LENSINK (15:19): Supplementary question: will the minister also commit to providing the conditions of licences after they are approved on 1 July?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I will have to take that question and my answer under consideration.

SKILLS FOR ALL

The Hon. S.G. WADE (15:19): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the Skills for All program.

Leave granted.

The Hon. S.G. WADE: On 1 April the minister finally released ACIL Allen Consulting's independent review of the first two years of the government's 10-years Skills for All program. Amongst other things, the report found that the Skills for All program, at a cost of $195 million, had failed in its primary goal of getting people trained for work.

The review found that just 30.5 per cent of people enrolled in a Skills for All course in 2013 completed the course and that, of those who did graduate, only 70 per cent were able to report a job-related benefit or, to put it another way, almost 80 per cent of students who started a Skills for All course in 2013 either failed to graduate or, if they did graduate, were not prepared to say that the course had improved their chances of getting a job.

My question to the minister is: why did the government not heed the advice offered by employers and private training providers before the Skills for All program commenced that subsidies for training need to be linked to jobs and that the design of the program needed to incorporate direct linkages to real and recognisable employment opportunities?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:20): I thank the honourable member for his most important question. Indeed, ACIL Allen were commissioned to review Skills for All and the results have been made public in full. The report is quite comprehensive and it does outline a number of positive and negative aspects to Skills for All, but I notice that the Hon. Stephen Wade comes into this place and only mentions the negative.

He does not mention any of the positives that came out of Skills for All like the increased spending that went into it that resulted in increased participation rates in training—significantly increased participation rates in training. In fact, I believe that we led the nation for a period of time during that time. We reached and exceeded our commitment to produce our 100,000 increased trained positions, so a lot more people have come out with a lot more qualifications and with a lot more skills under their belts.

We know that job outcomes is one important aspect of training; it is not the only outcome. We know, for instance, that one of the reasons that people do not complete their qualifications is because they receive employment during their qualification or are only interested in achieving a particular skill set rather than a complete qualification. Once they have completed the subject component that they are interested in they then withdraw. We know that there are other reasons as well, such as personal reasons and suchlike.

Since becoming minister for training I have been committed to making changes to not only improve completion rates but also to improve employment outcomes. We know that under Skills for All, Skills for Jobs in Regions was a very successful program—particularly in our regions—that did link training directly with local job outcomes. It was a very small component of Skills for All but nevertheless it was highly successful.

What I have done under WorkReady is to expand that program—based on principles of that program—to the Jobs First program so that there is some increase in funding to that program. It particularly benefits regions because it links with local businesses and local employment opportunities that partner with training organisations, and those people who successfully complete that qualification are then lined up with direct jobs in their local community.

So, we have learnt a great deal from our experience with Skills for All. The ACIL Allen report was very valuable; so, too, was the work done by the TASC (Training and Skills Council). They have

done a body of important work. We also conducted a red tape review, and some very valuable things fell out of that. All that information, plus the personal information I received from feedback from the industry, including students, over the last year, has been used to restructure and revamp our VET system here in South Australia, as was demonstrated by the launch of WorkReady recently.

APY LANDS, DRIVERS' LICENCES

The Hon. T.J. STEPHENS (15:25): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about drivers' licences on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: I refer the minister to his answer of 24 March this year, where he committed to bring the specific statistics in relation to the questions I asked. Those statistics were: the number of drivers' licences issued in the past 12 months to APY residents, and whether this figure has increased from last year; the number of recorded incidences of unlicensed driving in the past 12 months, and whether this has changed from the last year; and the number of drivers employed under Project Mutuka. Given that the minister has had well over a month to find these numbers and report back, can he now update the chamber with those specific numbers?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:26): I thank the honourable member for his very important question. I know that when members opposite refer to things that ministers have said, we generally take it with a grain of salt that they might be doing it reputably, but I have absolute faith that the Hon. Terry Stephens is somewhere near representing the truth of the matter.

I do not have those figures, but I will go back and see how close they are and make sure that I bring them back as quickly as I can for the honourable member. I inform the Hon. Terry Stephens that, during the break, I had the opportunity to visit the Golden North factory and I did not bring him back one of his favourite bars, despite the fact that he said he would change parties if I brought one back.

GIFT CARDS

The Hon. G.A. KANDELAARS (15:27): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about gift cards.

Leave granted.

The Hon. G.A. KANDELAARS: Members would be aware that this coming Sunday is Mother's Day, and many consumers choose to buy gift cards because it allows mum to buy exactly what she wants. Can the minister advise the chamber about what shoppers need to consider when choosing to buy gift cards?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:27): I thank the honourable member for his most important and very timely question. The member is correct: a gift card purchase from mum's favourite store or pampering service certainly allows her to choose her own special gift. However, it is timely to urge consumers to do their homework around gift cards, and to check carefully the terms and conditions of gift cards, as they vary from business to business. Doing some simple checks saves some big disappointments when mum goes to cash in her card and finds that it has expired or does not meet some other condition and she is not able to use it.

Some of the main points consumers need to be aware of before choosing to buy relate to the terms and conditions, particularly the limit on how and when the card can be redeemed. It is important to check the expiry date, and it may even be helpful, when giving your mum a gift on Mother's Day, to include a few reminders to make sure that she gets the most out of her gift. This may be as simple as putting an expiry reminder in her phone or even in your own phone. It is also important to be aware that some gift cards can have a one-time transaction limit. It pays to consider if cash change is offered for purchases that are less than the amount of the gift card—some

businesses do offer that. Some shopping centres also offer multi-store cards, and consumers need to be aware that there are many shops or products that are excluded in the terms and conditions so check those sorts of things out as well.

Gift cards should be kept safe until you use them. They are essentially the same as cash and if you lose them it is extremely hard to replace them or redeem them. To avoid any risk of losing or misplacing a gift card, or not using it before the expiry date, it is best to use it as soon as possible. It is good to be aware that your normal consumer rights do apply, even to purchases made using a gift card. Make sure your mum knows that if something goes wrong with the purchase she can take it back to the shop for a refund or replacement or repair.

Consumers have protections under the Australian Consumer Law when they buy goods and services, and also, when they receive an item as a gift, consumer guarantees apply. For example, the goods and services must be of acceptable quality and match the description given by the salesperson or the packaging, they must be fit for purpose, and you can seek a remedy if a business sells you goods or services that do not meet these guarantees.

Before I finish I want to say that consumers should not only shop around for the best gift card but it certainly also pays to look around for the best price when buying a gift card. Popular Mother's Day gifts also include things like jewellery and appliances, and these are products where we often see pricing claims made in stores and in advertising that show a 'was but is now' price. Businesses use 'was now' pricing to attract consumers and to encourage them to buy a product they think is a great sale price. However, we all like to think that we have managed to get a good sale and a good price, and consumers need to use caution when they see 'was now' pricing, and they have the right to ask the trader to back up their claim if the claim seems unrealistic.

Don't fall for glossy price promotions, search online, compare catalogues and talk to store attendants to ensure that you pick up the right gift for your mum at a good price. I encourage members to go to the Consumer and Business Services website for more helpful information on rights and shopping tips in general. I would like to take this opportunity to wish the mothers in this chamber and those of the Assembly and also Parliament House staff a happy Mother's Day for this coming Sunday.

SOUTH AUSTRALIAN STRATEGIC PLAN AUDIT COMMITTEE

The Hon. M.C. PARNELL (15:32): I seek leave to make a brief explanation for asking a question of the leader of the government representing the Premier on the subject of the South Australian Strategic Plan Audit Committee.

Leave granted.

The Hon. M.C. PARNELL: For the last 10 years, the South Australian Strategic Plan Audit Committee has reported on progress being made against strategic priorities and targets in the state Strategic Plan. This report has been published every two years. The last progress update was in September 2012. The SASP Audit Committee was dismissed sometime last year and its functions have been internalised into the Department of Premier and Cabinet. According to the government strategic plan website, it says:

> The Audit Committee was established in 2004 as an independent advisory body to rate the progress against the SASP targets, based on the best information available, and to provide an assessment of target achievability. The Audit Committee produced Progress Reports in 2006, 2008, 2010 and 2012.

The web page goes on to say:

> The functions performed by the Audit Committee have been transferred to the Department of Premier and Cabinet.

My questions of the minister are:

1. When will the next strategic plan progress report be released, noting that it is now eight months late, or has this task been quietly dropped?

2. If there is to be a future progress report, who within the Department of Premier and Cabinet will write it; and how can the process be described as independent of government if it is written by public servants?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:34): I thank the honourable member for his important question and will refer it to the Premier in another place and bring back a response.

SKILLS FOR ALL

The Hon. J.S. LEE (15:34): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about the Skills for All program.

Leave granted.

The Hon. J.S. LEE: It was reported recently that the state government will scrap the problematic Skills for All and replace it with the WorkReady program, to be implemented in July. According to the report, the Skills for All program was not achieving strong employment outcomes and the new reforms were well overdue, as stated by the South Australian executive officer, Dr Joy de Leo, of the Australian Council for Private Education and Training.

In September last year, the Department of State Development admitted that it was not tracking employment outcomes, despite more than half a billion dollars being poured into the Skills for All subsidies in two years. Business SA stated that the Skills for All program was a flop, that employers and training providers need certainty and that constantly changing the goal post seriously undermines confidence in the programs. My questions are:

1. Can the minister explain why the government did not track the progress of the Skills for All governmental program?

2. With industry leaders concerned about the constant changing of programs, can the minister guarantee that the training programs are directly linked to job opportunities and not just qualifications?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:35): I feel that I have already answered this question; it is almost identical to that asked by the Hon. Stephen Wade. But I am happy to repeat the themes. The—

The Hon. I.K. Hunter interjecting:

The Hon. G.E. GAGO: Yes; I obviously didn't hear the first time, so I will go to great lengths—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: —to explain in detail. The premise of the honourable member's question is completely inaccurate, to start off with. The issue of Skills for All is that Skills for All was refashioned and replaced by WorkReady because we had reached the target; it did what we set out to achieve.

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: Some once-off additional funds were made available over a period of around six years for us to achieve an increase in the number of people trained by 100,000. We exceeded that target within about three years, and we expended the additional money that was made available for that target. We achieved that target—in fact, we overachieved—and we achieved it within a shorter period of time than anticipated. So, the job was done.

As I said, the independent report on Skills for All that was done recently by ACIL Allen, which is a comprehensive report and which is publicly available, was done with a high level of diligence and thoroughness, and it identified a wide range of issues. Again, I see honourable members come into this place and all they want to do is dwell on the negatives. All they want to do is harp on the

negatives, talk South Australia down, talk South Australians down and undermine the confidence of business, and we know that that is really all the opposition is good for: talking down South Australia.

As I said, the report is a comprehensive report and it identifies a number of strengths and weaknesses in relation to Skills for All. It identified that, indeed, Skills for All was highly successful in significantly increasing the participation rate; we were leading the nation. It also showed that we significantly increased completion rates as well. In fact, I think that we are second in leading the nation in terms of the best completion rates. So, it is absolute nonsense when they come into this place and say that Skills for All was somehow this abject failure. We achieved significant completion rates.

As the current minister for training, even though we are still leading the nation in terms of completion rates, I still don't believe that those completion rates are good enough. I have never believed they were good enough, and that is something I called very early on in the piece. I also believe we could do better in terms of much closer ties with industry.

The Skills for All model was a demand-driven model. Basically, people who wanted training could come in and subsidised training was made available for them. We have changed the premise of that model. We do not have a demand-driven budget, so therefore it is, I believe, responsible for us to set up a funding model that allows us to prioritise and target where public subsidisation of training should occur, and WorkReady does that successfully.

It much more closely aligns the areas of subsidisation with government key priorities and with industry need. WorkReady includes a much closer and tighter relationship with industry. We are out consulting with industry at the moment about the details of the subsidised training list. We have been overwhelmed with input by industry, and I am very grateful to industry for being as responsive as they have been.

I have also talked in this place about our highly successful component of Skills for All, which was Skills for Jobs in Regions. That was basically set up as an unemployment program initially to assist particularly chronically unemployed people to find employment pathways. It worked on the basis that local businesses would partner with an RTO and align individuals' learning pathways into real local jobs in local communities. It was highly successful. If you ask any of the RDAs or local regional councils that have been involved, they will say how successful Skills for Jobs in Regions was.

Under WorkReady, we have, if you like, built on that strength and expanded that component slightly, so that the eligibility criteria are now much broader than just chronically unemployed people. We have set up industry leaders' groups to help us, so there are now more of those with key industry people on them who help us align more directly with industry outcomes.

RTOs will be required to report more comprehensively on their track record. They will be required to report on their completion rates and they will be required to report on their employment outcomes as well. Those measures will be a very important component of the department's deliberations as to the best RTO when they next tender for public funds to do that job.

You can see that we have learned a great deal from Skills for All. We have built on its strengths and we have refined a number of areas to make it a very strong training model that is more closely linked with industry and more closely aligned to improved completion rates and so that there are much closer relationships between the students, training providers and industry needs.

CLIMATE CHANGE

The Hon. T.T. NGO (15:44): My question is to the Minister for Climate Change. Will the minister tell the chamber about recent South Australian government initiatives to promote activity, awareness and greater cooperation between states and territories on climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:44): I congratulate the honourable member for his incredible question; it is most excellent. Our state and the state government recognise that climate change is one of the greatest challenges we face. We have long taken the lead in this area. We have committed to pursuing continued national and international

collaboration to ensure that our state is prepared to face the challenges and embrace the opportunities of being an early adopter and the opportunities that that entails.

In the interests of pursuing continued collaboration, yesterday, Monday 4 May, the Premier hosted representatives from around the country for a meeting on climate change. We were honoured indeed to have Ms Christiana Figueres, the executive secretary of the United Nations Framework Convention on Climate Change, attend the meeting. She is the highest ranking official from the United Nations working in the area of climate change.

She came to Adelaide at the state government's invitation to brief Australian state and territory governments on the progress towards a new global agreement on climate change set to be struck this December at the UN climate conference in Paris. Although it was arranged at short notice, environment and climate change ministers and senior officials from state, territory, commonwealth and also local government came to Adelaide for this important meeting.

The federal government's policy settings continue to baffle not only Australian governments but governments internationally. We all know that, if we read a little bit more broadly than that august journal, *The Australian*, would have it. Australia was once seen as a leader in climate change policy areas, but the current federal government has seen Australia scale back policies and initiatives that have been highly successful in addressing both the risks and also the opportunities that climate change presents for us as a country.

Australia's trading partners, including the US, China and Russia, have recognised the importance of transitioning to a low carbon economy and are gearing up to reduce their emissions more aggressively by 2020. Last week, the report commissioned by the federal government from the Climate Change Authority found that Australia's current target of a 5 per cent reduction by 2020 is insufficient and leaves us lagging behind other countries.

It is more important than ever that state and territory governments step up and take the lead to drive a national policy discussion about climate change as the federal government recedes into the dark. It is imperative that we work together to resolve the impasse on renewable energy targets, for example, and restore the certainty needed for renewable energy industries to invest. I note that just yesterday, I think, the Leader of the Opposition, the Hon. Bill Shorten, held out an olive branch to entice the federal government even further towards a cooperative arrangement on the RET, and we hope that that will be resolved shortly.

It is industries such as renewable energy industries that will provide the jobs of the future and enable Australia to export the know-how and technology on which future prosperity can be based. It is crucial that governments in Australia play a leadership role in reducing carbon emissions, for example, and that is what we have been doing here in South Australia. We lead the nation in renewables, with almost 40 per cent of our energy coming from clean sources.

We have increased our renewable energy target to 50 per cent by 2025 and aim to have $10 billion of investment in low carbon energy by 2025, but of course that is hinged crucially on the federal government reasserting support for a renewable energy target. We have been praised internationally on our award-winning Climate Change Adaptation Framework, which works with local communities to address issues of climate change locally, and we recently set ourselves the ambitious goal of making the Adelaide CBD the world's first carbon neutral city.

The Hon. J.M.A. Lensink: Rubbish!

The Hon. I.K. HUNTER: Well, the Hon. Ms Lensink says, 'Rubbish!' She thinks carbon neutrality is rubbish. She doesn't believe that we should be addressing these issues, and she makes these allegations that she knows nothing about.

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

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: If she goes back and reads *Hansard*—and I will repeat it again for her—she will see that in fact this comment is not absolute rubbish as she said. We recently set ourselves the ambitious goal of making the Adelaide CBD the world's first carbon neutral city. How does she find fault with that? How can she find fault with that? We suspect the Liberals are, as

always, internally divided on this issue. They cannot come to a position, and that's why they are astoundingly silent in the face of climate change scepticism by the federal government.

South Australia has become the first Australian state where the state government and city council have both signed key international agreements on climate change. Do I hear 'rubbish' from the Hon. Ms Lensink again about a factual statement? No; once again, the Liberals are silent. They have nothing to say on climate change. That's why they are absent from this debate, and that's why the states have to step up.

On Monday 27 April, the Premier and the Adelaide Lord Mayor, Martin Haese, signed two international agreements that will help monitor global greenhouse gas reduction targets and tackle climate change. I know that because I was there, and I can't hear the Hon. Michelle Lensink saying, 'That's rubbish.' Again, a factual statement just like the one she criticised as being rubbish.

The Compact of States and Regions and Compact of Mayors mean the state government and Adelaide City Council will report on targets and emissions reduction progress annually at an international level. This will provide, for the first time, a clear picture of how states and regional governments around the world are addressing climate change, and at the same time encourage other governments to seek goals and measure progress.

The inaugural report of the compacts, which were announced at the United Nations Climate Summit in New York in 2014, convened by the UN Secretary-General Mr Ban Ki-Moon, will be presented at the Conference of Parties 21 meeting in Paris in December of this year. Each of these initiatives highlights the growing importance of subnational governments. It confirms the findings published in The Climate Group's States and Regions Report published during Climate Week in New York last year.

The report states that while national governments seem to be '…stuck in entrenched debates', regions are implementing innovative policies that are '…motivated by local needs, aimed at overcoming specific barriers, and designed to do more with less government spending'. In South Australia we have long recognised this. I am pleased to say that we are not alone in this regard.

At yesterday's meeting, attending ministers committed to renewed collaboration on key climate change initiatives, including large scale renewable energy, energy efficiency schemes, adaptation and subnational emission reduction targets. We know that transitioning to a low-carbon economy will attract investment, drive innovation and create jobs, while at the same time having a much-needed positive effect on our environment.

The states and territories are acting. We now need the federal government to follow suit. I would like to thank Ms Figueres, and all the visiting ministers and officials, for an extremely productive meeting. I'm excited to continue this work to achieve a robust, coherent and clear climate change policy in Australia, and South Australia will be leading the working group to advance progress in this area with other states and territories.

CLIMATE CHANGE

The Hon. M.C. PARNELL (15:52): Supplementary: given, as the minister has said, the current target of a 5 per cent reduction in emissions is clearly inadequate, what emissions reduction target does the minister believe Australia should commit to after 2020?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:52): I thank the honourable member for that excellent supplementary question. It gives me an opportunity to talk about the government's submission to the federal government in terms of what future emissions reduction targets should be.

It is no secret now, because I advised the council of ministers yesterday that the South Australian government has advised the federal government that we believe they should accept the recommendations of their own advisory body—the Climate Change Authority—and their recommendation was to have emissions reduction targets brought forward to 19 per cent by 2020 and 30 per cent by 2025, and somewhere in the range of between 40 and 60 per cent by 2050. The

South Australian government supports those recommendations from the federal government's own advisory body.

CHILD PROTECTION

The Hon. J.A. DARLEY (15:53): I seek leave to make a brief explanation before asking the Leader of the Government, representing the Deputy Premier, a question about the Valentine coronial recommendations.

Leave granted.

The Hon. J.A. DARLEY: Last week I met with Belinda Valentine, the maternal grandmother of Chloe Valentine, regarding the coronial inquest into Chloe's death. Ms Valentine has been openly critical of Families SA's handling of the entire case and, whilst supportive of the Coroner's findings and recommendations, holds concerns regarding the timeframe in which the government will implement the recommendations. Given the Deputy Premier's ministerial statement today about recommendations, can the Deputy Premier indicate when we may expect this process to be finalised?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:54): I thank the honourable member for his most important question. As the honourable member indicated, the Deputy Premier released a ministerial statement today in relation to the Coroner's comprehensive report around the death of Chloe Valentine. He reports that, after receiving that, cabinet then resolved to support the 19 recommendations in full and provided in-principle support for recommendation 22.13 and committed to look further at recommendation 22.9.

Recommendation 22.3 is in relation to the chief executive of the Department for Education and Child Development has, I've been advised, issued a directive to all Families SA staff that it is paramount for the consideration always to be in relation to the wellbeing and welfare of children. The direction specified that considerations of confidentiality must give way in the face of the primary objective of child safety. I'm advised that, as to recommendations 22.4 and 22.5, the Deputy Premier wrote today to the President of the Legislative Council and the Speaker of the house issuing a direction to remind all staff of their obligations under the Children's Protection Act.

In relation to recommendations 22.6, 22.7 and 22.8, these recommendations relate to the application of income protection management, and the Attorney-General has written to the commonwealth to commence that process. In relation to 22.13, cabinet has supported that in principle, noting that a review of the Adoption Act is currently underway and Commissioner Nyland is also being asked to consider the matter. In relation to recommendation 22.17, the chief executive has issued a directive to all Families SA staff reminding them of the importance of accurate note taking. I am advised that Families SA is also developing a training program on professional writing, including case notes and report writing. This course will be mandated for new and existing staff and, I am advised, will commence rollout in the middle of this year.

A further three recommendations require amendments to the act. This morning, the Attorney-General gave notice that he will introduce a bill to make those amendments, and that will be introduced tomorrow. The bill expands on recommendation 22.2 to capture people convicted of offences of causing serious harm and acts endangering life or causing serious harm, as well as murder, manslaughter and criminal neglect. The proposed amendments are significant and will make lasting changes to the child protection system.

In response to the remaining recommendations, I have been advised that a working group will be established to include the chief executive of the Department for Education and Child Development, together with representation from the Attorney-General, Premier and Cabinet and the Crown Solicitor's Office, and the working group will have input from other relevant agencies where required. I am advised that that initial work has already commenced and the government is committed to the implementation of the recommendations, obviously, in a timely manner, and the Attorney-General is committed to report progress.

CHILD PROTECTION

The Hon. J.A. DARLEY (15:58): Supplementary. The question was: when can we expect the process to be finalised?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:58): The reason I went into such lengths with that answer was because for each—

The Hon. S.G. Wade interjecting:

The Hon. G.E. GAGO: Well, I'll do it all again.

The PRESIDENT: Order! The honourable member, the Hon. Mr Darley will make his—you don't ask the question for the Hon. Mr Darley. If the Hon. Mr Darley has any problem with it he will ask.

The Hon. G.E. GAGO: I think they sit there and nod off, Mr President.

The PRESIDENT: Well, it's not up to the Hon. Mr Wade to interpret anything.

The Hon. G.E. GAGO: I think it's a very sleepy hollow over there with the opposite members, a very sleepy hollow. What I attempted to do, Mr President, was to go through and address each of the recommendations and outline what is being done and what is intended to be done and the time frame to do it in, and I have outlined that in detail.

CHILD PROTECTION

The Hon. J.A. DARLEY (15:59): All I was asking for is: can we get an answer as to when the process may be completed?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:59): I have already outlined that each recommendation has a different process and a different time frame. I have indicated that to the best of my ability, but I will happily refer it further to the Attorney-General, and if—

The Hon. S.G. Wade: Spare us reading the ministerial statement again.

The PRESIDENT: The Hon. Mr Wade, allow the minister to finish her answer.

The Hon. G.E. GAGO: That's right; if you would just listen instead of nodding off. If there are further details around time frames, I am sure that the Attorney-General will provide those.

LIQUOR LICENSING

The Hon. R.I. LUCAS (16:00): My question is directed to the Leader of the Government. Can the minister explain the reasons why the administration of the Liquor Licensing Act has now been placed in the hands of the Minister for Planning? What will the Minister for Planning now be responsible for in relation to liquor licensing and what, if anything, will the minister be responsible for?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:00): This government is always in the process of trying to improve the way it does its machinery of government. The liquor licensing responsibilities have now been delegated to the Minister for Planning. The Minister for Planning is currently the minister responsible for the priority around the vibrant city initiatives, enlivening public space and our streets, etc.

Obviously, liquor licensing has a lot to do in that space. He is also about to undertake a significant planning review. It was thought that it would be an efficient and effective thing to do to enable him to include licensing issues when he undertakes that review as well, because they are so closely related. So the Attorney has responsibility for the Liquor Licensing Act and all other policy and regulatory matters around liquor licensing for the time being.

LIQUOR LICENSING

The Hon. R.I. LUCAS (16:01): I have a supplementary arising out of the minister's answer. Does that mean the minister no longer has any responsibility in relation to liquor licensing and that the liquor licensing commissioner, Mr Sulio, in no way reports to minister Gago for any issue that relates to liquor licensing in any part of the state?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:02): That is right.

LABOUR HIRE WORKERS

The Hon. G.A. KANDELAARS (16:02): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the chamber about how the government is supporting automotive supply chain labour hire workers that may be affected by the closure of Holden?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (16:02): I would like to thank the honourable member for his important question and keen interest in matters affecting workers in South Australia.

The state government has established a $7.3 million program that assists displaced workers employed in the automotive supply chain in South Australia. The Automotive Workers in Transition Program was launched in December 2014 to support the workforce of automotive supply chain companies with significant revenue exposure to the automotive manufacturing sector.

This is a comprehensive support package that provides: information sessions to affected workers; career advice and transition services, which involves individualised, professional career development assistance to each worker; skills recognition, which enables workers to have their current skill competencies recognised and mapped against national standards; and importantly, quality training delivery. Through the career advice and transition service and skills recognition process, workers will be able to identify the essential training needed to increase their employability.

Training can be accessed through 15 pre-approved registered training organisations that have been identified through a comprehensive selection process. The package also provides business start-up support, which is being provided to workers who have chosen to start up their own business. Workers are assisted in identifying their proposed business strengths and weaknesses and are offered business information and support.

Today I can announce that the government is extending the program so that assistance will be available to eligible labour hire staff working as contractors at car industry companies. I understand that labour hire personnel can account for a high percentage of the workforce at many vehicle industry companies—on average around 25 per cent, with around half of those working on site for two years or longer. This is not a small, anonymous group of workers: they make up a significant part of the component workforce.

The extension of the Automotive Workers in Transition program to eligible labour-hire workers is a result of some concern that, as the closure of Australia's car-making industry draws closer, the labour-hire employees may be retrenched rather than redeployed. It is imperative that if this occurs support is available to assist those workers to transition into new employment.

Assistance is now available to labour hire staff who have been continuously employed for two years by an eligible car component manufacturer, having commenced their employment before General Motors announced the Holden closure in December 2013. The South Australian government is committed to continuing to work towards assisting automotive workers and their families to transition to new employment opportunities in response to the closure of Holden and the automotive supply chain companies.

INTERNATIONAL STUDENTS

The Hon. D.G.E. HOOD (16:05): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about international students studying in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: The New South Wales ICAC has recently reported on managing corruption and risk for international university students and has turned its attention to the role of universities in enabling highly questionable practices. The report suggests that competition for international students has led some universities to aggressively market for international students without considering the costs and risks; to set inappropriately low English language requirements; to rely on largely unregulated agents with inducements to submit applications from insufficiently qualified students; to set recruitment KPIs; and to leave the burden of maintaining standards with teaching academics whilst simultaneously pressuring them to pass work of insufficient quality and turn a blind eye to misconduct in some cases.

There has also been a report from an academic by the name of Tracey Bretag entitled 'Australian unis should take responsibility for corrupt practices in international education'. It was published just a few weeks ago. Further, on Tuesday 21 April this year the minister published a press release stating that South Australia's higher education ties with Vietnam will be strengthened. The South Australian government will be offering four scholarships valued at $5,000 for the first year of study in a South Australian university. Study Adelaide was also promoted during the minister's most recent visit to Vietnam. I make no criticism of that but merely provide that as further information. My questions to the minister are:

1. Is this scholarship a one-off or a recurring incentive for international students to study in Adelaide?

2. How much funding has the government provided to international students via Study Adelaide to attract overseas students to Adelaide?

3. What commitment will the government give to ensure that appropriate candidates, such as those with sufficient English language skills, for example, are eligible for government-funded programs?

4. Will the government agree that ineffectively managing the issues raised in the ICAC report can and would diminish the value of domestic education on a national and international basis, and therefore the benefit to South Australian taxpayers?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:07): I thank the honourable member for his most important question. Indeed, I saw those reports and they were very concerning. Fortunately, here in Australia, but particularly in South Australia, most recruitment agents and educational institutions do the right thing and uphold high levels of integrity and high standards of education and quality experiences for both domestic and international students.

Unfortunately, there are always one or two who choose not to do the right thing, and this was highlighted on national TV in particular, and picked up by radio, and it was very damaging for Australia's international student market. Our international student market is incredibly important to our national economy and also particularly to our state economy. It generates just under $800 million a year in revenue, creates thousands of jobs and is a really important export for this state.

In relation to the complaints of diminishing standards in an effort to pump through higher levels of international students and concerns about failing those students, I can reassure honourable members that all Australian universities must meet national standards set by the Tertiary Education Quality and Standards Agency (TEQSA). I can also advise that no South Australian higher education provider has been investigated by TEQSA for breach of standards, and no provider has had its registration revoked by TEQSA. We should be very proud of that track record here.

In addition to TEQSA standards and audits, universities need to have in place strict selection processes for both domestic and international students. I am advised that our three public universities have rigorous entry requirements for all students, who are set the same assessment, irrespective of whether they are domestic or international and who are fully supported during their studies. Fundamentally, I am sure that our universities would want to ensure that they are upholding standards so that they do not jeopardise their international reputation.

Our international reputation is very important to being able to stimulate our position in the international marketplace. I know that our three universities here are very cognisant of the fact that, once your reputation is damaged, it is incredibly difficult to repair. They are most risk averse in compromising any of those standards or selection and recruitment points. In relation to the scholarship, it is a once-off, but we will see how successful it is and review that.

We provide annual funding to Education Adelaide. I do not have that figure. It is between $1 million and $2 million that we provide annually to Education Adelaide for them to focus on destination marketing of all our education here, so it is not just our universities but also TAFE, VET and secondary education. I think TAFE also contribute each year to the funding of Education Adelaide for those purposes, and they monitor very carefully the activity of Education Adelaide because they are in fact part funders of that operation. The work Education Adelaide does is just fantastic. They are a very clever and professional team. They operate on a reasonably modest budget and produce some fabulous outcomes for this state, economically, socially and culturally.

UNIVERSITY ENROLMENT, MALES

The Hon. A.L. McLACHLAN (16:12): I seek leave to make a brief explanation before asking the Minister for Higher Education, Employment and Skills a question regarding male university students in South Australia.

Leave granted.

The Hon. A.L. McLACHLAN: A federal education department report recently revealed that South Australia has the lowest proportion of male university applicants in the country, with males making up just 38.8 per cent of applications to begin undergraduate courses this year compared with 61.2 per cent of female applicants. The report also revealed that the proportion of male university applicants in South Australia is well below the other mainland states, such as Western Australia, New South Wales and the ACT, which all reported a male enrolment rate of 43 per cent or above. The findings have also raised concerns about the place of men in a struggling economy, where they can no longer rely on readily available blue collar employment.

The Executive Director of Adelaide University's Australian Workplace Innovation and Social Research Centre, Associate Professor John Spoehr, has called upon South Australia to narrow this gender gap, pointing out that with fewer jobs available in manufacturing it is all the more important to consider a higher qualification, especially a university one. Given that there is a large proportion of South Australian males working in the manufacturing industry, and in view of the industry's potential decline, my question to the minister is: is the government considering initiatives to increase the number of males enrolling in university undergraduate courses?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:12): I thank the honourable member for his question. I read the report with great interest, because I was aware that in fact women had passed the halfway point here in Australia, including in South Australia, and had become better educated than males generally, both in terms of SACE completion, basic degrees and I think even the number of higher degrees as well.

It is absolutely fascinating that even in spite of that—and we know that there is a strong link between education outcomes and higher levels of education attainment and career and income outcomes—nevertheless, we still see the gender pay gap continuing. There is about an 18 per cent difference between men and women, so women are still doing the same amount of work but for roughly 18 per cent less than men.

You would think that these educational trend changes would be operating to narrow that gender gap but they are not—the pay gender gap is in fact increasing—so to me that is a very fascinating observation. The other thing of course is in terms of leadership and, again, senior positions on boards and committees, and leadership positions and executive positions in our large organisations, are still heavily skewed towards men. Women are significantly underrepresented in those senior and executive levels. They are overrepresented in the junior positions in many areas but significantly underrepresented in the senior areas. So as a society we have a long way to go to rectify that imbalance.

I noted that the SATAC report revealed that there were 2,000 fewer applications by male university applicants to South Australian universities, and I am advised that part of this can be attributed to the fact that more females achieve SACE and obtain an ATAR than males. Many males choose skills-based opportunities through VET. Mind you, I do not know how they get to those senior executive positions but, anyway, I have made the observation that there is still a great divide even with these trends.

I am advised that a further reason is linked to the type of professions that require a university degree. I am advised that nursing is a very big influence in relation to that skew, and that when you look at applicants' first preference for university study, nursing is the most competitive of all the courses and the vast majority of applicants are females.

To give an example, there are 900 applications to one of our universities to pre-registration nursing courses and a further 350 to its pre-midwifery course. The data shows that South Australia's gender balance is consistent with other states and territories so they also show that imbalance as well. So we continue to work on gender inequity and all its different faces.

Bills

WATER INDUSTRY (THIRD PARTY ACCESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 March.)

The Hon. J.A. DARLEY (16:19): I rise very briefly to speak on the Water Industry (Third Party Access) Amendment Bill 2015. The concerns over this bill have been canvassed extensively by other honourable members. I will not go into detail over these issues again, other than to say that, whilst the idea of a third party access regime has merit, I am equally concerned about the cost-prohibitive nature of the proposal, the potential long-term cost implications for customers and, perhaps most importantly of all, quality assurance and health control issues.

I think that it is fair to say that there has been more gain in the world by providing communities with fresh water than by any other medical advance. Access to clean and safe water must remain as the most paramount consideration when considering any third party access regime. The last thing we want to do here is to jeopardise our water quality by providing for third party access. I note that when I raised this during my briefing, I was assured that the Department of Health would continue to be responsible for water quality assurance; however, I continue to have reservations over this issue.

Like other honourable members, I support third party access to our water infrastructure, but I also have reservations about the practicality of the proposed scheme and remain cautious as to how it will be managed. It also seems very unlikely that the bill's objectives will be fulfilled, especially given the potential cost implications and reduction of income to SA Water. For the record, I indicate that, whilst I will be supporting the second reading of the bill, I intend to give very careful consideration to the responses to questions asked of the minister and to any proposed amendments.

Debate adjourned on motion of Hon. A.L. McLachlan.

LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 March 2015.)

The Hon. J.M.A. LENSINK (16:21): I rise to make some remarks in relation to this bill. The Local Government (Building Upgrade Agreements) Amendment Bill is a fulfilment of a Labor election commitment to upgrade sustainable commercial buildings. As the government says in its own commentary, it is designed 'to unlock barriers to invest in retrofitting improved energy, water and environmental performance of existing commercial buildings'.

Proposals for this scheme were promoted by the Premier's Climate Change Council, which endorsed advice to the former environment minister in April 2012. A draft bill was released on 30 January 2014 for a 10-week consultation process. This current bill was tabled in February 2015.

This legislation is shaped around similar models in Victoria (operating since 2010) and New South Wales (operating since 2011). A bipartisan approach has been taken in both those states; however, progress on adopting the schemes to perform upgrades has been slow. To date, seven upgrades have been entered into in Victoria, and New South Wales has had five local governments sign up to the scheme and five building upgrade agreements signed, with five currently in process.

In relation to the components of the bill, in terms of the building upgrade agreement, the bill establishes a voluntary (or section 3) mechanism between three parties (the provider of finance for the upgrades, the building owner and the local council) to enter into an agreement to allow money to be loaned in advance for the purpose of environmental upgrade works to be undertaken on an existing commercial building.

The council then issues a building upgrade charge, which is section 6 of the bill, which is levied against the land, paid by the building owner, to recoup the advance. These moneys are then returned to the financier by the council, which is section 7 of the bill. Originally the money was to be held in a trust account by council; however, after consultation, this provision appears to have been removed.

The council must also keep a publicly-available register of all building upgrade agreements (BUAs), section 13, and the minister may request the council report on their BUAs at any time (section 14). An important aspect of this bill is that the charge is tied directly to the land, rather than the building, otherwise it needs to be discharged.

If the building upgrade charge is not received by the council for a period of three years, the council has the authority to sell the land in accordance with regulations, under section 9 of the bill. The bill stipulates the order in which moneys collected through the sale are to be applied. This section was amended following consultation to reflect council concerns. Whilst the council must make every effort to recover outstanding moneys, the council is not liable for them.

Regarding the recovery of the contribution towards building upgrade charge from lessees, the other main component of the legislation enables costs to be passed onto, or recovered through, the tenants who, theoretically, gain significant efficiency rewards and savings from the upgrade. That is provided for in section 12(1). This bill enables the building owner to recover costs from tenants, firstly, if the tenants consent or, if they do not, if the amount recoverable by the building owner as a contribution does not exceed a reasonable estimate of the cost savings resulting from the upgrade.

The methodology in calculating this is yet to be determined by the government and will be published in the *Gazette*, and the government have advised they will consult across the board on the methodology to be used. I note that this is what has taken place in New South Wales and that, in Victoria, the tenant contribution is not compulsory. Before the tenant can be required to pay a contribution towards the charge, they are entitled to receive a copy of the BUA and must receive at a minimum written notice from the lessor if they consent. If the tenant does not consent, they will receive, at least 30 days prior to the first payment, written notice of their contribution, the time period in which the contribution is required to be paid and so on and so forth.

In regard to a dispute mechanism for tenants, the bill is silent. In the circumstance that dispute resolution is required between building owners/landlords and tenants, we have been advised that the Retail and Commercial Leases Act and the Residential Tenancies Act stand. I note (and I will refer to this in a moment) that Business SA has expressed concerns about this matter, while I note that the Property Council is satisfied with these measures because they believe it reduces red tape for building owners.

In our government briefing—for which I thank the minister and his officers—we were advised that the intention in relation to the administrative unit is to appoint either the Local Government Association or the Adelaide City Council to oversee the administration and that, if it is to be the LGA, they would recruit specifically for this role. However, this is not part of the bill and I am not satisfied with the fact that it is not explicit. There is clearly a potential conflict of interest for councils to have

this role and I understand that the Property Council would have preferred an alternative to this model as well.

I thank the government for providing me with all of the consultation they received on this matter. I note that the council submissions, which were received from the City of Adelaide, Marion council, Onkaparinga and the LGA, were supportive of the bill. In fact, I would say that there are no stakeholders at all who do not support the concept in principle. I think it is a question of the details, which are yet to be determined.

I note that because there are three parties in the legislation to the BUAs—councils, the financial institutions which finance the upgrades and the building owner who all opt in on a voluntary basis—all of the stakeholders who represent those interests are supportive. However, outstanding issues remain, particularly for tenants. That is a concern of the opposition, and concern has been expressed to us, as I mentioned, by Business SA.

I am not going to be the one defending issues on talkback radio if some of these things go pear-shaped and tenants feel like they have been roped into this unfairly and that they have been charged more than they ought to have been. Therefore we require that some matters be resolved prior to this bill proceeding. We will support it at the second reading. I would just like to quote from Business SA's submission from 11 April last year. They say:

> Although Business SA lends support to BUF, it is critical that all entities party to the costs and benefits of a BUF project are afforded equal rights to participate in any project. BUF should not override a tenant's existing lease arrangements if the tenant does not wish to make contributions towards an environmental building upgrade.

They make a number of points, but specifically they say:

> Clause 12(3)(b)(ii) of the draft bill must be removed to protect the financial position of tenants, many of whom are small businesses. Although this section provides tenants only pay a contribution to BUF based on a reasonable estimate of cost savings, this puts the risk of cost savings not eventuating back on the tenant. Providing landlords have good relationships with tenants, we do not see any need for a clause in the draft bill which overrides a tenant's right to object to a BUF contribution. Business SA acknowledges the split incentive which is inherent with environmental upgrades, but considering BUF enables a cheaper form of finance—

And I note from the example from the City of Melbourne that the government provided that this is certainly true—

> for capital improvements. Landlords will still benefit even without tenant contributions, which has been proven interstate. Furthermore, commercial property markets work on effective rents, and any improvement in outgoing costs will eventually improve a landlord's bargaining position based on rent.

I am sure the government has received a copy of that. The opposition's outstanding concerns with this are, firstly, that the administrative unit has not been explicitly clarified. We find that that situation where this legislation has been in government circles since 2012 unsatisfactory. There is also the matter of the metrics for the regulations. I understand there is not even a draft available on that matter yet, and that is also unsatisfactory.

In my discussions with our colleague, the Hon. John Darley, he has also raised issues particularly, which I am sure he will talk about, in relation to, not the financiers of the upgrade, but banks which have lent already and where they are in the queue. I think those concerns are certainly also relevant and I would like to have those matters clarified prior to the further passage of the bill. We will support the second reading, but we certainly will reserve our right at the third reading and trust that the minister will take some corrective action prior to the committee stage to address these matters.

The Hon. J.A. DARLEY (16:33): I rise to speak on the Local Government (Building Upgrade Agreements) Amendment Bill 2015. The aim of this bill is to address some of the barriers that are said to impede building upgrades from going ahead. According to the government, those barriers often include access to the capital to fund upgrade projects and the split incentive between landlords and tenants in leased buildings, where the building owner incurs the cost of the upgrade but the tenant receives the benefits through reduced utility bills and improved accommodation.

The bill achieves its objectives by establishing a mechanism whereby a building upgrade agreement can be entered into on a voluntary basis between a local council, a building owner and a financier. Where the building in question is tenanted, a tenant can either consent to the agreement

or be subject to a 'no worse off' test. In a nutshell, the financier agrees to advance money to the building owner for the purpose of funding the upgrade works and the council agrees to levy a building upgrade charge against the property. The charge is paid by the building owner to recoup the money advanced by the financier.

Where a building is tenanted, the bill will enable the landowner to recover from the tenant contributions towards the building upgrades, provided that the tenant consents to the agreement or the amount recoverable by the owner as a contribution does not exceed a reasonable estimate of the cost savings to the tenant resulting from the upgrade works.

In effect, rather than benefit from a reduction in utilities, a tenant will continue to make similar payments for outgoings as they would have done prior to the upgrades, and the money recovered, by way of a charge from the tenant, will go towards paying the financier. That is a very simplistic overview but, in effect, that is how it is proposed the scheme will operate.

I have gone to some length to understand how this bill will work in practice and what the likely take-up rate will be. At the outset, I have to say that, whilst I appreciate the environmental underpinnings of the bill, there is very little about the detail of the proposal that I find convincing. In fact, there are four elements to the bill that I find concerning.

The first issue relates to tenants who will, in effect, have no option as to whether or not they will be caught up by the scheme. If a landowner, council and financier agree to an upgrade agreement, then the tenant will have to wear it, subject to some conditions. The benefit, of course, will be that tenants get to enjoy the upgrades, hopefully at no additional cost. My initial response to this aspect of the bill was, obviously, the potential for tenants paying more as a result of the upgrades than they would have otherwise paid, especially when we talk about 'reasonable estimates'.

When I asked about stakeholder input over this aspect of the bill during my briefing, I was advised that the Small Business Commissioner had raised similar concerns. The government has sought to remedy these concerns by indicating that the regulations will provide for a no worse-off test. The no worse-off test that is being proposed is, as I understand it, similar to that which exists in New South Wales. If a tenant can demonstrate they are worse off than they would have otherwise been had an agreement not been entered into, then moneys they paid would have to be reimbursed to them. The second and third issues are related, and they involve concerns over mortgage priorities: the values to be used in assessing projects and the proposed overleverage test.

Under an upgrade agreement, the loan is tied to the property, rather than the owner, and in the event that the premises in question are sold, the charge can remain with the property if the new purchaser agrees. In the event of default, the charge is also ranked senior to other existing mortgages and liabilities to the Crown. Indeed, it is this feature of the bill which enables financiers to offer building owners more attractive terms in the first instance.

According to the government, an overleverage test is to apply to all eligible projects to minimise any financial risks to the financier and to the first mortgagee, and to ensure the viability of projects that obtain upgrade finance. The test requires that the cumulative debt against the property, when added to the total value of the building upgrade charge, must not be greater than the capital value of the land prior to the upgrade works being undertaken.

The fact that the bill makes reference to the capital value rather than the security value of the land is concerning. As members would no doubt be aware, banks generally lend on security value, which is what you would expect a property to sell for in a forced sale. The capital value, on the other hand, is what the property would be expected to sell for between a prudent (but not anxious) seller and a prudent (but not anxious) buyer, both being fully conversant with the circumstances surrounding the sale. Using the capital value rather than the security value could mean that an existing mortgagee who would now be ranked second in terms of priority would not be able to recover their loss.

The bill requires a building owner to notify existing mortgagees of the intention to enter into a building upgrade agreement and of the particulars of the proposed building upgrade charge, but it appears to stop short of enabling the existing mortgagee to object to the agreement being entered into. Under normal circumstances, an existing mortgagee may not be overly worried about an

additional charge against the land because their interest will be protected. In this situation, however, the interests of the existing mortgagee will, in effect, be bumped below those of the new financier.

Even if the existing mortgagee assesses the risk as too high, there is little they can do about it. Even though this will only ever (probably) become an issue where there is a forced sale, I remain to be convinced that financial institutions would be happy with a new loan taking precedence over an existing loan, bearing in mind that they play no part in agreeing to the upgrade agreement whatsoever. I would ask the minister to place on the record details of any discussions that have taken place with and/or submissions that have been received by financial institutions and related organisations on this point. I should also indicate at this stage that I propose to move amendments aimed at addressing each of the issues I have outlined.

The fourth issue relates to the associated administrative costs of the scheme and the potential for tenants to be hit with additional exorbitant expenses. As I understand it, the government is yet to settle on which body will be armed with the task of administering the scheme. One of the options being floated includes handing it over to the Local Government Association, which is considered more attractive, at least in terms of costs, than using the already established Sustainable Melbourne Fund.

This raises some concerns over potential conflicts of interest, given that councils will inevitably be caught up in and bound by any agreements entered into with building owners under the scheme. There seems to be very little detail available on what the cost structure will look like and it is important that the minister provide additional details with respect to this aspect of the bill. I would also ask the minister at this point whether any consideration has been given to the perceived conflict of interest that the LGA may have in administering the scheme and whether any consideration has been given to handing this aspect of the project over to the Small Business Commissioner. This may assist in ensuring that the scheme is geared towards protecting tenants.

It remains to be seen whether this bill will result in the sort of take-up rate that the government is anticipating. As I understand it, since the introduction of the legislation approximately $42 million worth of upgrades have been invested across 12 projects in New South Wales and Victoria. This includes seven environmental upgrades in the City of Melbourne, with a combined capital value of approximately $12.6 million, and five agreements in New South Wales, with a combined value of approximately $30 million.

I understand the value of the projects and take-up rate in Victoria has been less than that in New South Wales because the Victorian legislation requires tenants to consent to an agreement and that has proved to be a bit of a stumbling block. My office has met with the owners of one building that underwent an upgrade in Victoria and I know that in that case at least the landlord had to vacate all of his tenants in order to overcome this hurdle and enter into an upgrade agreement. I am advised that the landlord in that case still considered it a very worthwhile exercise because he was subsequently able to rent out the premises at an increased rental.

The Victorian take-up rate has also been somewhat restricted by virtue of the fact that the application of the scheme has been limited to the City of Melbourne. I understand that Victoria is now considering extending the coverage to all Victorian councils as a result. Putting the restrictions of the Victorian scheme to one side however, the take-up rate in both jurisdictions is still relatively low. On this point, I would ask the minister to advise potentially how many buildings may be eligible to enter into the scheme in the Adelaide CBD.

I appreciate the environmental principles underpinning this legislation and the importance of achieving long-term climate change, renewable energy, energy efficiency and sustainable water targets. I also appreciate the fact that the scheme itself is completely voluntary for those parties that wish to take part in it. I support measures aimed at creating positive social and environmental change and I support measures aimed at creating good financial returns which benefit the community more generally. That said, I think the concerns that I have raised are valid and warrant further consideration.

Commercial buildings around Adelaide are being vacated at an unprecedented rate because businesses can no longer afford the costs associated with their day-to-day operations. The last thing we want to do is create another layer of cost that will further tighten the squeeze on those businesses

that have managed to keep their doors open. With that, I look forward to hearing from the minister on the issues I have raised.

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

JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 March 2015.)

The Hon. J.A. DARLEY (16:45): I rise very briefly to speak on the Juries (Prejudicial Publicity) Amendment Bill and to indicate at the outset that I am not supportive of the government's proposed changes. The bill proposes to amend section 7 of the Juries Act in a way that would enable a court to order that a case be heard by a judge alone if it is considered necessary in order to ensure a fair trial in instances involving an application by an accused for a stay of proceedings on the basis that publicity has prevented them, or may prevent them, from receiving a fair trial.

In effect, it would prevent the accused from exercising their right to be tried by judge and jury and, as alluded to, the sole criterion for the making of the order would be that the court considers it necessary in order to ensure a fair trial. As the Law Society of South Australia and the Hon. Andrew McLachlan have pointed out, the right to a trial by jury has for centuries been the cornerstone of our criminal justice system. For people charged with commonwealth indictable offences, it is an inalienable right guaranteed by the Constitution.

The Law Society remains unconvinced on the need for this amendment, especially given that the High Court has lifted the bar so high for accused persons applying for a permanent stay based on prejudicial pre-trial publicity that it is unlikely an application will ever succeed. In addition, directions to the jury are well known to be utilised to avoid potential miscarriages of justice. We all know that juries play an integral role in our criminal justice system. They provide the opportunity for accused persons to be tried by their peers. A former ACT justice, Xavier Connor QC, has listed some of the features of a right to trial by jury as follows:

- The 12 jurors chosen at random are likely to represent community views and values in a way that a single judge does not.
- Trial by jury is democratic in that the community participates in a vital way before people accused of serious crime can be convicted.
- Juries, because they do not give reasons for their decisions, can bring the conscience of the community to bear on issues in a trial in a way that a judge cannot.
- Community participation in the administration of criminal justice, by way of jury service, promotes an understanding of the system and confidence in it in a way that no other system does.
- Trial by jury is and is seen to be a system better adapted than any other to preserving the liberty of the subject against oppression by the state.

The government has pointed out that this is not the first time that we have made changes to the Juries Act. However, as the Law Society highlights in its submission, it is also important to note that this amendment is very different from the changes made by this parliament in 2012, which permitted the DPP to apply for a trial by judge alone in serious and organised crime cases because, in that instance, there was a real possibility that the conduct of the accused could have compromised the impartiality of the jury. That is not the case before us now.

There is no question that the advancement of technology, and social media in particular, has resulted in a much more expansive spread of publicity, and media outlets themselves have taken to those advancements like ducks to water. I agree also that the public's demand to know and the media's determination to sensationalise is ever-present. Indeed, sometimes it feels impossible to find a place to turn without hearing about a given matter that is in the public spotlight.

The fact still remains, however, that despite these advancements in technology and despite our apparent insatiable need to know, the sort of changes we are talking about here have not proved necessary. I think it would take a great deal of convincing to overturn a principle that is so fundamentally enshrined in our criminal justice system based merely on speculation, especially given the importance of that principle and the fact that the bar has been lifted so high when it comes to permanent stays based on prejudicial publicity.

The cynic in me would also question whether or not this bill is part of a package of reforms we are seeing introduced into this place which appear to be based more on budget-driven measures than merit. It is most definitely not one of those bills that the government has urged that we consider favourably on pressing grounds. On that reasoning I indicate that I will not be supporting the bill.

The Hon. T.T. NGO (16:51): I rise to offer my support for this bill and to address its substance. In today's age of social media, trials are frequently commented on beyond the realm of mainstream media. A trial or an accused can quickly become the subject of a Facebook page, Twitter hashtag or general commentary on social media. There are many examples of this here, interstate and overseas. The recent Jill Meagher murder case in Victoria is a prime example of how fast and widespread social media commentary on a case can be.

The Age newspaper reported that a Facebook page called 'Publicly hang Adrian Bayley' had more than 40,000 likes, and numerous other pages commented on this case before it went to trial. At least the media is subject to ethical standards; Facebook and Twitter users are not subject to these ethical standards. The media generally feels constrained by court orders whereas general users of social media do not feel constrained. The media is well aware of the consequences of not following suppression orders or being found in contempt of court. Generally, users of social media are unlikely to be aware of suppression orders that are in place. They are also unlikely to know the consequences of breaching suppression orders or being found in contempt of court.

Although ignorance is no excuse for breaking the law, this lack of awareness means that general social media users do not feel constrained by suppression orders or the risk of being found in contempt of court. In turn, general users are less likely to be deterred from posting prejudicial statements or disobeying suppression orders. A key example of this was a 2010 suppression order made by Magistrate Harrap to prevent the name, photo and address of Jason Downie, who later admitted to murdering Chantelle Rowe and her parents, from being published. His name and image were posted several times in connection with the murders on social media, after the suppression order was made.

Further, some social media posters do so anonymously, making it difficult to attribute posts to the individuals responsible. This anonymity makes it difficult for the police. It also means that individuals feel less constrained in what they post on social media.

This bill does not detract from suppression orders and other orders of the court. These are still available as such. I do not believe that it will lead to the media disobeying these orders en masse, as per the Law Society's submission. It does, however, acknowledge the difficulty in enforcing suppression orders against individuals who have created Facebook pages or twittered in breach of the suppression order.

This bill aims to ensure that an accused receives a fair trial where publicity regarding their case would otherwise make this impossible. There have been various calls that this bill abolishes the right to a trial by jury. This is not the case. Currently, if an accused successfully applies for a permanent stay of proceedings on the basis that publicity has or will make a fair trial impossible, the case is not heard at all. Under this bill, where such an application is made and the judge determines that a trial by judge alone is necessary to ensure a fair trial, the accused will be tried by judge alone.

This bill fills the gap for trials that would otherwise be stayed on the basis of prejudicial publicity. It creates a means for a judge to ensure that the accused receives a fair trial by ordering a judge alone trial. It is important to stress that this legislation would only be enlivened where the accused has applied for a stay of proceedings on the basis of prejudicial publicity. It is expected that the provision would only be used in rare circumstances where jury directions would be insufficient to correct the effects of prejudicial publicity on a jury.

Again, this does not deny the accused the right to a trial by jury as it only arises when the accused makes an application on the basis that they could not receive a fair trial as the impartiality of the jury has been affected by the prejudicial publicity. I commend the bill to the council.

Debate adjourned on motion of Hon. G.A. Kandelaars.

WORK HEALTH AND SAFETY (PROSECUTIONS UNDER REPEALED ACT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 March 2015.)

The Hon. R.I. LUCAS (16:57): I rise on behalf of Liberal members to address the second reading of the legislation. We were advised that this legislation has been prompted by the processes in relation to two cases in relation to workplace accidents: one that tragically ended in the death of a worker, which we understand occurred on or about 9 October 2012, and the second which resulted in serious injuries to a worker, which occurred we understand on or about 22 October 2012.

At the outset I am sure I speak on behalf of all members when I indicate that we extend our sympathies to the families and friends of the injured worker in one case and the worker who died tragically as a result of the workplace accident in the other.

We are advised that under the occupational health, safety and welfare legislation, now the work health safety legislation, the government and principally SafeWork SA has a two-year period within which it has the responsibility to commence prosecutions if it so chooses.

In the cases that we are talking about, which occurred in October 2012 on varying dates, two years later in October 2014, some time during that two-year period (one would have hoped well prior to it), SafeWork SA would have commenced proceedings. That does not mean of course that the proceedings are concluded; it just means that the proceedings need to have commenced.

The only information that this parliament is given by the government is in minister Gago's second reading which says that the government became aware of a technical error in the filing of the complaints for these matters. No explanation is given by the government as to what this technical error supposedly is, how it came about, and why there were no proceedings issued well prior to the two-year expiration date for commencement of proceedings.

Certainly I think that, for legislation as serious as this, the parliament is being treated with contempt when the minister and the government simply say, 'We want you, through the stroke of a legislative pen, to retrospectively change the law to initiate criminal prosecutions,' and all they say is 'Well, look, there was a technical error and we would like the parliament to help us to correct it.'

So, certainly in the minister's response to the second reading, and certainly if the bill proceeds beyond the second reading through the committee stages, the minister and the government should place on the record in a transparent and accountable way how this dreadful set of circumstances eventuated, and I will address some comments about that in a moment. In the absence of any factual information put on the record by the government, the rumour mill is rife that there was a series of incompetent processes and decisions undertaken by SafeWork SA, and that one part of that incompetent process was that the government and SafeWork SA got the wrong person to sign the documentation. Something as fundamental as that, the rumour mill says, was incorrect, and that this was a significant factor in the inability for the prosecutions to commence.

The other issue which we will have the opportunity to explore is that lawyers experienced in this jurisdiction say that this issue is a deliberate policy that the government and SafeWork SA have adopted over many years. They have given a number of examples, not in relation to these two cases, where prosecutions are only ever lodged or commenced virtually a day or two prior to the expiration of the two-year period, and they say that it is a combination of SafeWork SA and the government not treating these cases with a sufficient degree of urgency.

I say to members in this chamber: how could you as a government and as a minister and as an agency not treat the death of an injured worker as serious enough and urgent enough to get off

your backside and, if there is a legal view that a prosecution should be initiated, why would you not actually do it as quickly as possible, certainly well prior to any possibility of the two-year period expiring, and certainly not adopt a deliberate policy of lethargy, of indifference combined with incompetence, in terms of not commencing a prosecution well prior to the two-year period?

There are some other lawyers—and this is just a minority view that has been expressed to me—who believe that part of the deliberate policy, in addition to not treating these cases urgently enough, is that some within SafeWork SA take the view that, by delaying the prosecution, it gives SafeWork SA investigators and officers and others greater powers to collect evidence, because they argue that there are greater powers for investigators prior to a prosecution being initiated to either demand answers or have access to worksites or get evidence in certain ways which would be different if court proceedings had already commenced and you had an issue of prosecuting lawyers and defence lawyers already actively engaged on both sides.

As a non-lawyer, I do not profess to express an opinion on that, other than that, in the absence of any information from the government and, clearly, where we have demonstrated incompetence from the government, from ministers and from SafeWork SA and possibly other agencies such as crown law, this chamber ought to be demanding answers, irrespective of the view that they may well take on this legislation, ultimately.

Mr President, one of the ministers responsible for the legislation of SafeWork SA during this period, as you would well know, was you, Mr President, from the period of the accidents in October 2012 through to January 2013. Whilst, Mr President, you can be blamed for many things, and I am sure you are and will continue to be, it is hard to not argue that, given you were only the minister, as I understand it, responsible for the agency for that period of three months or so out of the two-year period, the onus of ministerial responsibility should rest with the person who succeeded you, and that is indeed Mr Rau, who has been responsible for SafeWork SA since January 2013 to the current date and therefore was responsible right through the period from January 2013 until October 2014.

This government and these ministers, in particular, minister Rau, have to accept government and ministerial responsibility for the incompetence and the ineptitude and for the tragic circumstances that appear now to have been caused by SafeWork SA, under their responsibility, not doing what they were meant to do in relation to potential prosecutions under work health and safety legislation.

Clearly, SafeWork SA, as an agency, must be held responsible and accountable. Ultimately, they are the ones who must make the judgement as to whether or not prosecution should be initiated. Yes, they may well need to take advice on legal issues from crown law. There may well have been problems in terms of the way the Crown handled legal advice. Again, we do not know, because all the minister says in this chamber is, 'There was a technical issue, and we now need to fix the technical issue.'

Unsurprisingly, a significant number of stakeholders have expressed grave concerns about this principle and the legislation. The President of the Law Society of South Australia, Rocco Perrotta, in today's *Advertiser* and in separate correspondence to the Liberal Party, put similar views. He is quoted in today's newspaper as saying, 'the organisation [the Law Society] agreed with this proposition', that is, the proposition Business SA had been putting. The quote continues:

'The Law Society opposes the Bill because of our opposition to retrospective legislation in principle,' he said. 'The Society is also concerned that the legislation could have unintended consequences in terms of capturing people it was not meant to capture. Generally speaking, retrospective legislation is unfair because someone could be prosecuted for conduct that was not illegal at the time it occurred. In addition, it can be particularly oppressive and unjust for the legislation to be introduced to overcome the reasons for a failed prosecution. For this reason the [Law] Society is concerned that retrospective legislation should not be introduced for the sake of prosecuting specific cases.

Business SA publicly today put some statements on the record, and they expressed similar views on the issue in correspondence to the Liberal Party. Their boss, Nigel McBride, said in *The Advertiser* today:

The rule of law is a cornerstone of modern democracies. It enshrines the legal principle that citizens should not be exposed to arbitrary and oppressive government decisions. Every citizen should be able to rely on the fact that governments and government agencies are bound by the same law as everyone else.

The rule of law protects individual liberties by ensuring, for example, that criminal punishment cannot occur without due and proper legal process. It has long been established in Western democracies that retrospective changes in criminal law and process to carry out a prosecution that otherwise would not be lawful is manifestly unjust and should only be contemplated in the most extreme circumstances.

And, further on:

Statutes of limitations protect defendants (who are considered innocent until proven guilty) from the onerous burden of protracted proceedings and also to ensure, for example, that the evidence and accurate witness accounts of the incident are still available. Frankly, any denial of the family's right to a proper legal process lies at the feet of the state government regulator and, accordingly, that agency should be held accountable.

If the Government is allowed to retrospectively change the WHS laws it will set an unacceptable precedent. The Government, or any future government, could argue that, as the law has been changed to fix a totally indefensible administrative failure by a regulator, any other legislation is therefore open to retrospective amendment. That's a slippery slope I'm surprised this government is even willing to entertain.

That was from the head of Business SA. As I said, many other stakeholders have put similar points of view to the Liberal Party. The National Electrical and Communications Association, the Master Builders Association, the Australian Hotels Association, the Australian Industry Group and the Housing Industry Association have all expressed extreme concern at the legislation and urged opposition to the legislation.

Various lawyers have expressed, in addition to the Law Society position, opposition to the legislation. Other groups have similarly expressed significant concerns about the legislation but have either taken no formal position or have indicated to the Liberal Party that they believe the Liberal Party should not oppose the bill. Those groups include the Motor Trade Association, the South Australian Wine Industry Association, Self Insurers of South Australia and the Australian Meat Industry Council.

Whilst the Liberal Party did not receive any submissions from SA Unions or Voice of Industrial Death, my understanding of their position would be that they support the government's legislation and it may well be that other members have received submissions from either or both of those organisations. Certainly, the Liberal Party has proceeded on the basis that we would expect that they would be supporting the government's position.

In summarising the Liberal Party's position and, I think, the position of many others in the community, the issue is a significant one of precedent—that is, if this legislation is to be approved, it is the foot in the door in terms of retrospectively approving criminal prosecutions. You have had an indefensible behaviour and actions by a government, ministers and SafeWork SA; they have not done what they were meant to do. If members vote for this bill, if what we are going to do as a parliament is to say to them, 'Okay, after two years, you didn't do it but we will now retrospectively allow it,' that principle has been established.

I know the minister is saying that it is only in relation to these two cases, but I say to members in this chamber, what say they in two years' time when the minister comes and says, 'Well, look, SafeWork SA has made another error. Someone has been significantly injured or killed at work but there was another technical error and we're just beyond the two-year period and you've already approved it once for the reasons that you've given that you want to see justice for the family and the friends of the injured workers. What's the difference with doing it again?'

What is the argument to the injured family and friends of those workers two years down the track if members were prepared to say, 'Well, we were prepared to assist the prosecution two years ago because of errors, but in two years' time will be saying, "No, no; we're not prepared to do it. We warned the government we would only do it once and you're going to have to behave from now on".'

But what is the argument at the time in two years? What is the argument down the track, when four years after a workplace injury, minister Rau, or a minister, comes to the parliament and says, 'Look, it's four years afterwards, but we have found a very significant problem. There was a technical error in relation to the proceedings and we think we should proceed with a retrospective prosecution.'

What is the argument? What is the difference between three years, four years and two years? It is just a point in time. Are we saying, or are those who want to support the legislation saying, 'Two

and a bit years—2¼ years or 2½ years—is okay, but we won't accept three years,' or 'We won't accept three and half years,' or whatever it might happen to be. If you are prepared to support the principle of retrospectively amending the legislation for prosecutions, what is the significance of two and a bit years as opposed to three and a bit years? What is the significance of these two particular cases and cases in two or three years' time where similar incompetence by ministers, governments and SafeWork SA mean the prosecutions have not been proceeded with?

I think that is the issue that members in this chamber have to address in terms of the legislation. If they are going to establish the principle of, 'Yes, it's okay to retrospectively amend in this case,' then they have established the principle and at some stage in the future exactly the same argument can, and I am sure will, be put to them in terms of, 'There has been a different set of circumstances equally significant and we need to correct the legislation.'

I know in this chamber other than myself the fiercest critic of the operations of SafeWork SA has been the Hon. Mr Darley. The Hon. Mr Darley in this chamber, publicly and on parliamentary committees, has been very critical of SafeWork SA as an agency. It is not that his criticisms have been unheard by SafeWork SA or various ministers, going back through three or four of them. We are all aware, and they are all aware, of the very significant criticisms that have been made of SafeWork SA as an agency.

What we are being asked to do here is to hide and cover up the incompetence of SafeWork SA as an agency. They can rest comfortable in the fact that if because of their lethargy, slackness, incompetence or deliberate policy, or a combination of all of the above, they do not meet the two-year time frame, then they will just go and convince the minister to take it to parliament and to change the legislation and to retrospectively apply it. That is the principle that we are being asked to establish.

Whatever happens to this legislation, in my view the Occupational Health Safety and Welfare Committee of this parliament, a joint standing committee, ought, as part of its job—and I have some regard for the chair of that committee, Steph Key, the member for Ashford—as one of its responsibilities, in my view, to haul SafeWork SA in. That committee, when I was on it, did a review of SafeWork SA, and the Hon. Mr Darley was fiercely critical of their processes. This was a number of years ago now and they have learnt nothing—learnt absolutely nothing—since then.

They should be hauled before that committee, a term of reference, not for an overall review, but specifically in relation to their prosecution policy and this issue of whether or not they give priority and precedences they should in terms of prosecutions, and whether or not it is correct that there is a deliberate policy within SafeWork SA to leave prosecutions right to the end of the two-year period. That will be easy enough to establish in relation to these serious cases. Let's get the evidence on the record in that committee as to how many examples there have been where they have left the initiation of proceedings until the end of the two-year period.

In my view, the second thing that should happen, irrespective of whether this legislation is passed or not—and, Mr President, you are a former minister for SafeWork SA—is that the current minister, minister Rau, ought to get off his butt. He has more than 20 staff sitting in his office and Heaven only knows what some of them do with themselves during the day. He should not have to do this, but because this department or agency is so incompetent, he should be insisting on a monthly report at the end of the month in relation to the time lines for prosecutions under the work health and safety legislation.

You would hope that a minister should not have to do that, but he has advisers in this particular area—or an adviser, at least—and a monthly report should be demanded from SafeWork SA saying, 'Okay, how are you proceeding in terms of the timeline? Why is it that we are getting to the 18-month mark for a workplace death'—or a significant injury—'and you haven't commenced proceedings? What needs to be done in terms of ensuring you come to a conclusion?'

If you want to prosecute, you do it well prior to the expiration of the two-year period. That is something that a competent minister's office could do that was useful that would add value not only to the work of the government, the minister and his office, but also to provide an oversight of the work of SafeWork SA. We can no longer just tolerate incompetence, mismanagement, negligence, and ineptitude by an agency like SafeWork SA.

I know the minister will say 'Well, I'm doing a review of SafeWork SA.' Okay, terrific; after 13 years they are doing a review of SafeWork SA. There have been so many warnings from the member for Ashford, the Hon. Mr Darley and others about the ineptitude of SafeWork SA. That report from the Occupational Health and Safety Committee of the parliament was first started I don't know how many years ago, let alone when it finally reported. And fair enough: the minister is looking at trying to take some of the responsibilities away and define the roles and responsibilities of SafeWork SA. We can debate those issues if and when they come before the parliament, or if and when they have to be debated.

That does not negate or move away from the issue of the responsibility and competence of SafeWork SA as a body in terms of how it has been handling these processes, and if it is continuing, and whatever the agency is that continues in this particular area, in terms of ensuring competent management of processes for prosecutions if offences are committed—serious offences like this—where the death of a worker and the serious injury of a worker have been committed, and whether or not a particular company or individuals ought to be prosecuted. That is the responsibility for minister Rau, as it is at the moment, and his office; it is a responsibility for the government; and it is also a responsibility for SafeWork SA.

As I said, this bill is copping the easy road out. It is excusing the ineptitude, incompetence and mismanagement of SafeWork SA, the minister and the government, and it is for those reasons that the Liberal Party will not be supporting the third reading of this bill. We will not oppose the second reading of the bill because, during the committee stages of the debate, we want to take the opportunity to put some of these questions directly to the minister and the government in terms of how they respond to the particular issues that have been raised by many in the community about the government's incompetence in handling this whole area.

The Hon. T.A. FRANKS (17:24): I rise to speak on the Work Health and Safety (Prosecutions Under Repealed Act) Amendment Bill 2015 and indicate to the chamber I will be the lead speaker and only speaker on behalf of the Greens. I also indicate will be supporting the bill.

The bill before us asks us to amend the Work Health and Safety Act 2012 to facilitate prosecutions occurring under the old Occupational Health, Safety and Welfare Act 1986. The bill inserts a new transitional provision into the Work Health and Safety Act which allows the Minister for Industrial Relations to extend the time to commence proceedings for an offence. The new transitional provisions will give the minister the capacity to do what currently cannot occur because the two-year time limit is up under the old Occupational Health, Safety and Welfare Act.

By way of background, there were two complaints laid by an officer who has an authority under the Work Health and Safety Act, but does not hold that authority under the Occupational Health, Safety and Welfare Act, to file a complaint. Therefore, these two complaints were ruled as invalid and have since been withdrawn. The statutory limit under the Occupational Health, Safety and Welfare Act has since expired, as I mentioned earlier, and the time restraint can only be relieved by statutory amendment, which is why the government has proposed the amendment bill.

My office has been lobbied by Business SA and other business and industry groups, who have expressed some sympathy for the two families concerned and, of course, the injured worker, however, they strongly oppose this bill. I would like to refer to Business SA's letter to my office, which states:

> Retrospective legislation is rarely good policy. It should only be considered in relation to criminal matters in the most extreme circumstance, as it is well recognised in jurisprudence to be a fundamental human right which should not be abrogated by retrospective legislation in order to achieve a criminal conviction.

The Law Society has also objected to the retrospective nature of this legislation. The Greens have seriously considered this issue, but in the interests of justice we believe that the bill deserves support. Retrospectivity can manifest itself in various ways. What is generally unacceptable is where legislation seeks to make some activity criminal that was previously legal. This bill does not do that. That is not the situation here, if it was then the Greens would probably vote it down. However, it is a very different situation we are presented with in this particular debate. In the present case, the retrospectivity merely involves extending the time limit within which a pre-existing criminal offence may be prosecuted. This is a very different situation to that other proposed.

In fact, it is not unusual for a parliament to retrospectively extend time limits for the commencement of proceedings. A good example here, of course, is in relation to sexual offences against children, where this very parliament has extended limitation periods for bringing both criminal and civil cases. The community does not find it acceptable for people to avoid responsibility for their actions due to a technicality, particularly in relation to arbitrary limitation periods, particularly where, as the Minister for Industrial Relations said in the other place, 'One person was killed and one person was damn near killed.'

In the present case, the community expects these serious matters to be tested in the court and this legislation will allow the courts to test it. The Greens have given great consideration and weight to the circumstances in which this bill has been introduced and we will support the bill and we hope that it will not take 19 months to pass through this chamber, as the work health and safety legislation did, to our shame.

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

ANIMAL WELFARE (LIVE BAITING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 March 2015.)

The Hon. J.M.A. LENSINK (17:28): I rise to put some remarks on the record in relation to this legislation, which is the government's response to the issue of potential live baiting in the greyhound industry in South Australia. The background is that on 16 February of this year the *Four Corners* program aired, 'Making a killing.' On 26 February, the Liberal Party announced and tabled a bill targeting live baiting in South Australia, and I will refer honourable members to some of the comments that I made which are also relevant in relation to this bill.

Greyhound racing monitoring and enforcement is undertaken by Greyhound Racing SA (GRSA). However, until the airing of the program, I think it is fair to say that the focus has been on the care and welfare of greyhounds, rather than the detection of animal cruelty associated with greyhound training, or potential animal cruelty associated with greyhound training. GRSA's existing registration system requires that all trainers and facilities be licensed and subject to random inspection. Penalties for breach of the code can attract fines of up to $50,000 and lifetime bans from the sport. The RSPCA SA and SAPOL are responsible for monitoring enforcement and prosecution under the Animal Welfare Act 1985, including alleged incidents of cruelty to animals.

The government announced a package of measures on 23 March to target live baiting in South Australia based on the recommendations of a working group of GRSA, RSPCA SA, SAPOL and DEWNR animal welfare officers. The working group response and the subsequent legislation that we have before us is to amend the Animal Welfare Act to create new offences for: live baiting, releasing an animal from captivity for the purposes of it being hunted or killed, selling or supplying an animal for the purposes of live baiting, and keeping an animal for the purposes of live baiting.

These offences form part of the amended clause 14 (prohibited activities) which currently only refers to organised animal fights. The maximum penalties in this section are being increased from $20,000 and imprisonment for two years to $50,000 and imprisonment for four years. The new maximum penalties are consistent with other sections of the Animal Welfare Act; for instance, clause 13 (ill treatment of an animal).

The other critical part of the response to this awful report on *Four Corners* is to beef up the GRSA inspectorate, refocussing it to include the detection of potential animal (bait) cruelty and improving protocols with the RSPCA SA and SAPOL. Actions arising from this are as follows:

- Greater detail to be recorded in the GRSA licensing system; for instance, the location and usage of bull rings and all private racing facilities. In our discussions, Matt Corby, the CEO of GRSA, advised that they are adopting 'nearmap', which is an internet application that can take aerial or satellite photographs of sites which can then be monitored over time.

- Increasing GRSA's animal welfare and compliance staff from one to four and improving training, including training in covert detection methods.
- Increasing the inspection rate of premises—of which I was advised and spoke of previously in this place—which was previously on average once every two years.
- Better protocols between GRSA stewards, the RSPCA SA and SAPOL.

I think better protocols, in particular, is quite critical given that the RSPCA and SAPOL collect evidence for prosecutions. I think it is fair to say that the linkages between those organisations and the GRSA could be improved just to ensure that these activities are not taking place in South Australia.

The last time I had a discussion with stakeholders (which would be one or two weeks ago) the information that came out in response from the GRSA and other agencies is that there is still no evidence that this is taking place in South Australia, but that does not necessarily mean that it is not taking place. Those actions to which I have just referred are clearly outside of the legislation but are critical to ensuring that we can have confidence that live baiting is not taking place in South Australia. GRSA also advises that they are examining the use of aerial drones and surveillance at private racing facilities, trial tracks and registered tracks.

Just to recap, the amendment that was tabled in this place by myself on behalf of the Liberal Party proposes the following: first, that bull rings be licensed, with a penalty of up to $10,000 or imprisonment for one year; secondly, that a specific offence be created for live baiting, with a penalty of up to $50,000 or imprisonment for four years; and thirdly, that a new offence be created for providing an animal for the purposes of live baiting, with a penalty of up to $20,000 or imprisonment for two years.

I accept that our legislation, in terms of licensing of bull rings, would have changed the system which operates at present and that the GRSA is the correct organisation to be doing inspections, notwithstanding that I think the scrutiny and assistance from the RSPCA is critical, and that is to be improved, as I have discussed. Therefore, the concepts that were proposed through the Liberal Party's private member's bill are effectively adopted within the working group's package in one way or another.

So while bullring licensing will not be subject to government licensing, it will receive specific scrutiny through improved GRSA inspectorate processes. I was given specific reassurance about this by Mr Matt Corby. The new offences in the bill that we tabled are also contained within the government's proposed amendments to the act. With those comments, I commend the bill to the house.

Debate adjourned on motion of Hon. G.A. Kandelaars.

At 17:36 the council adjourned until Wednesday 6 May 2015 at 14:15.

Answers to Questions

MEDICAL CANNABIS

1 The Hon. T.A. FRANKS (19 June 2014). (First Session)

1. Whether he, or any of his predecessors, have ever granted any licences, authorities or permits to manufacture, cultivate, supply, administer or possess cannabis or any cannabis derivatives for medical and/or therapeutic purposes, or for any other reason, under section 55 of the *Controlled Substances Act 1984*, since the commencement of the Act?

2. If so, can the Minister provide details of the occasions, and for what reasons, these licences, authorities or permits were granted?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Health has received this advice:

1. SA Health has issued two permits under the powers of Section 55 of the *Controlled Substances Act 1984* in relation the cultivation of cannabis.

2. The following permits were issued:

A permit was issued to the Yorke Regional Development Board to produce and possess cannabis sativa varieties, where the tetrahydrocannabinol (THC) content did not exceed 0.3%, at three sites in the state to evaluate the agronomic potential of fibre hemp in South Australia for the period 8 March, 1995, to 30 September, 1997; and

A permit was issued to South Australia Kadina Police Station for the cultivation of cannabis sativa, to establish evidence for prosecution, for the period 2 March, 1998, to 30 September, 1998.

MINISTERIAL TRAVEL

6 The Hon. R.I. LUCAS (3 December 2014). (First Session) For any overseas trip undertaken by the Minister for Disabilities and staff or officers since 1 January 2014, can the Minister advise—

1. How much of the total cost of the trip was paid by the Minister's office budget and how much by the Minister's Department or Agency?

2. What are the names of officers or staff who accompanied the Minister on each trip?

3. Was any officer or staff member given permission to take private leave as part of the overseas trip?

4. Details of the cities and locations visited if they have not been already previously published on the Department's proactive disclosure website?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): The Minister for Disabilities advises:

Since 1 January 2014, there has been no overseas travel undertaken by the Minister or any member of the Minister's staff'.

MINISTERIAL TRAVEL

11 The Hon. R.I. LUCAS (3 December 2014). (First Session) For any overseas trip undertaken by the Minister for Education and Child Development and staff officers since 1 January 2014, can the Minister advise—

1. How much of the total cost of the trip was paid by the Minister's office budget and how much by the Minister's Department or Agency?

2. What are the names of officers or staff who accompanied the Minister on each trip?

3. Was any officer or staff member given permission to take private leave as part of the overseas trip?

4. Details of the cities and locations visited if they have not already been previously published on the Department's proactive disclosure website.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Education and Child Development has received this advice:

1. The total cost of this trip was paid by the Minister's office budget.

2. Mr Andrew Love, Ministerial Adviser.

3. No.

4. This information is available on the Department's proactive disclosure website.

MINISTERIAL TRAVEL

13 The Hon. R.I. LUCAS (3 December 2014). (First Session) For any overseas trip undertaken by the Minister for Communities and Social Inclusion and staff or officers since 1 January 2014, can the Minister advise—

1. How much of the total cost of the trip was paid by the Minister's office budget and how much by the Minister's Department or Agency?

2. What are the names of officers or staff who accompanied the Minister on each trip?

3. Was any officer or staff member given permission to take private leave as part of the overseas trip?

4. Details of the cities and locations visited if they have not been already previously published on the Department's proactive disclosure website?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Communities and Social Inclusion has received this advice:

The Minister for Communities and Social Inclusion has not undertaken any overseas travel since 1 January 2014.

MINISTERIAL TRAVEL

15 The Hon. R.I. LUCAS (3 December 2014). (First Session) For any overseas trip undertaken by the Minister for Transport and Infrastructure and staff or officers since 1 January 2014, can the Minister advise—

1. How much of the total cost of the trip was paid by the Minister's office budget and how much by the Minister's Department or Agency?

2. What are the names of officers or staff who accompanied the Minister on each trip?

3. Was any officer or staff member given permission to take private leave as part of the overseas trip?

4. Details of the cities and locations visited if they have not been previously published on the Department's proactive disclosure website?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation): The Minister for Transport and Infrastructure has provided this advice:

No overseas travel was undertaken between 1 January 2014 and 3 December 2014.

LONG SERVICE LEAVE

27 The Hon. R.I. LUCAS (3 December 2014). (First Session)

1. What is the estimated long service leave liability as at 30 June 2014 in days and dollars?

2. What is the highest long service leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?

3.

(a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the Department or Agency to fund long service leave; and

(b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?

4.

(a) What policies, and monitoring of these policies, are in place to ensure that there is not a build up of long servie leave liability within the Department or Agency; and

(b) Are employees required to take long service leave after a certain level of entitlement has accrued?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Communities and Social Inclusion has received this advice:

The following information is provided in relation to the Communities and Social Inclusion, Social Housing, Multicultural Affairs, Youth and Volunteers portfolios. Information regarding long service leave in the other portfolios within the relevant departments will be reported by the responsible Ministers.

1. As at 30 June 2014, the estimated long service leave liability was $34,175,119 which represents 122,006 working days (based on 915,042 hours on 7.5 hour days).

2. As at 30 June 2014, the highest long service leave entitlement in dollars that had not been taken for any employee was $327,472 which represents 241 working days (based on 1,810 hours on 7.5 hour days). The highest long service leave entitlement in days was 377 working days (based on 2,824 hours on 7.5 hour days) which represents $103,591.

3.

(a) The Department for Communities and Social Inclusion (DCSI) holds no funds specifically for long service leave liability. When long service leave is taken, it is paid by the department out of appropriation. If appropriation is insufficient to fund the long service leave expense, additional funding is sought from the Department of Treasury and Finance.

(b) As stated in the answer to III (a), no funds are held in a specific account.

4.

(a) DCSI monitors long service leave liability through the department's payroll system and contracts an actuary to calculate the long service leave liability at the end of the financial year.

(b) The department has no industrial instrument to direct an employee to take their long service leave entitlement.

PUBLIC SERVICE EMPLOYEES

36 The Hon. R.I. LUCAS (3 December 2014). (First Session) Since 1 January 2014, will the Minister for Manufacturing and Innovation list—

1. Job title and total employment cost of each position with a total estimated cost of $100,000, or more, which has been abolished; and

2. Each new position with a total cost of $100,000, or more, which has been created?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation): I have been advised that this information can be found in the Estimates Hansard on page 2238-2239.

PUBLIC SERVICE EMPLOYEES

41 The Hon. R.I. LUCAS (3 December 2014). (First Session)

1. Job title and total employment cost of each position with a total estimated cost of $100,000, or more, which has been abolished; and

2. Each new position with a total cost of $100,000, or more, which has been created?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Communities and Social Inclusion has received this advice:

1. This information can be found in the House of Assembly Hansard from 2 December 2014 on pages 3154-3155.

PUBLIC SERVICE EMPLOYEES

42 The Hon. R.I. LUCAS (3 December 2014). (First Session) Will the Minister for Agriculture, Food and Fisheries list—

1. Job title and total employment cost of each position with a total estimated cost of $100,000, or more, which has been abolished; and

2. Each new position with a total cost of $100,000, or more, which has been created?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport and Minister for Racing has provided this advice:

Primary Industries and Regions South Australia

1. Abolished Positions from 1 January 2014 to 31 December 2014

Department/Agency	Title	Total Employment Costs*
PIRSA	Senior Bio Research Officer, Pest Animals	$105,338
PIRSA	Manager Strategic Policy	$115,509
PIRSA	Manager Market Intelligence	$117,770
PIRSA	Manager Food Enterprise Development	$124,673

Department/Agency	Title	Total Employment Costs*
PIRSA	Manager Strategic Human Resources	$126,938
PIRSA	Director Science Partners	$201,615

2. Created Positions from 1 January 2014 to 31 December 2014

Department/Agency	Title	Total Employment Costs*
PIRSA/Regions SA	Office Manager	$106,411
PIRSA/Regions SA	Senior Policy Officer	$106,411
PIRSA/Regions SA	Principal Policy Officer	$106,411
PIRSA	AgriPACE Officer	$106,411
PIRSA	International Marketing Manager	$106,411
PIRSA	Manager Strategic Development	$106,411
PIRSA	Policy Advisor	$106,411
PIRSA/Regions SA	Principal Project Officer	$119,920
PIRSA	Program Manager Industry Development	$119,920
PIRSA/Regions SA	Manager Regional Policy	$119,920
PIRSA/Regions SA	Manager Projects Infrastructure	$123,393

** TEC cost of positions abolished and created based on classification plus 18.8% average superannuation'*

ForestrySA

1. ForestrySA has abolished one role with a total estimated cost of $100,000 or more, being Manager Information and Communication Technology, at a total cost of $125,100.

2. ForestrySA has created two new roles with a total estimated cost of $100,000 or more Production Manager Green Triangle and Commercial Manager Mount Lofty Ranges.

South Australian Tourism Commission

Since 1 January 2014, the South Australian Tourism Commission:

1. Has abolished one role with a total estimated cost of $100,000 or more, being the Manager, Online Distribution at a total cost of $100,489 per annum, and

2. Has not created any new positions with a total cost of $100,000 or more.

Office of Recreation and Sport, which includes Racing—Department of Planning, Transport and Infrastructure

Details for the Office of Recreation and Sport, which includes Racing, will be identified within the response provided by the Department of Planning, Transport and Infrastructure.

CONSULTANTS AND CONTRACTORS

64 The Hon. R.I. LUCAS (3 December 2014). (First Session) Since 1 January 2014—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Manufacturing and Innovation, who had previously received a separation package from the State Government; and

2. If so—

(a) What number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number were engaged as a contractor?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation): I am advised that:

1. No

2. Not applicable.

CONSULTANTS AND CONTRACTORS

69 The Hon. R.I. LUCAS (3 December 2014). (First Session) Since 1 January 2014—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Communities and Social Inclusion, who had previously received a separation package from the State Government; and

2. If so—

(a) What number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number were engaged as a contractor?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Communities and Social Inclusion has received this advice:

The Human Resource Directorate of the Department for Communities and Social Inclusion (DCSI) has retained data on employees who have accepted a separation package since June 2006.

No persons previously reporting to the Minister for Communities and Social Inclusion, who accepted a separation package since 2006, were employed within DCSI in any capacity between 1 January 2014 and January 2015.

With regards to consultants and contractors, tender documents include the following requirement:

The Principal will not accept the services of any former public sector employee, either directly or through a third party, who has, within the last three years, received a separation package from the Government, where such engagement may breach the conditions under which the separation package was paid to the former public sector employee.

The principles outlined in contract documents must be complied with as follows:

The Contractor undertakes to comply with all South Australian Government policies of which the Principal informs the Contractor which relate to the performance of the Contractor's obligations under this Agreement.

CONSULTANTS AND CONTRACTORS

71 The Hon. R.I. LUCAS (3 December 2014). (First Session) Since 1 January 2014—

1. Were any persons employed or otherwise engaged as a consultant or contractor, in any Department or agency reporting to the Minister for Transport and Infrastructure, who had previously received a separation package from the State Government; and if so—

(a) What number of persons were employed;

(b) What number were engaged as a consultant; and

(c) What number were engaged as a contractor?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation): The Minister for Transport and Infrastructure has received this advice:

The Department of Planning, Transport and Infrastructure (DPTI) advises that any State Government employees who accept a separation package are restricted from working in the public service for a period of three years.

Former employees engaged as either contractors or consultants within the three year period from their separation require specific approval. DPTI has no record of this approval being given to any former employees.

In addition, a standard clause in the Bid Rules used for DPTI procurement tenders states as follows:

Employment of Ex-Government Employees

The Principal will not accept the services of any former public sector employee, either directly or through a third party, who has, within the last three years, received a separation package from the Government, where such engagement may breach the conditions under which the separation package was paid to the former public sector employee.'

Tenderers declare by signature of their tender submissions that their offer complies with all the Bid Rules.

ANNUAL LEAVE

100 The Hon. R.I. LUCAS (3 December 2014). (First Session) For each Department or Agency then reporting to the Minister—

1. What is the estimated annual leave liability as at 30 June 2014 in days and dollars?

2. What is the highest annual leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?

3.

(a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the Department or Agency to fund annual leave; and

(b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?

4.

(a) What policies, and monitoring of these policies, are in place to ensure that there is not a build up of annual leave liability within the Department or Agency; and

(b) Are employees required to take annual leave after a certain level of entitlement has accrued?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers): I am advised:

1. The estimated annual leave liability for the former Department of Further Education, Employment Science and Technology (DFEEST) as at 30 June 2014 is 8,614 days and $3,223,135.

The estimated annual leave liability for Consumer and Business Services as at 30 June 2014 was approximately $1.07 million. This represents around 4,812 days.

The Office for Women (OFW) is located as part of the Department for Communities and Social Inclusion, which has responded separately through both the Minister for Communities and Social Inclusion and the Minister for Disabilities.

2. The highest annual leave entitlement that has not been taken for an employee from DFEEST as at 30 June 2014 based on number of days was 60 days, equating to $23,067.

The highest annual leave entitlement not taken for an employee in Consumer and Business Services as at 30 June 2014 was approximately 45 days. This equates to approximately $13,637.

3.

(a) As reported in the Auditor-General's Annual report for 2013-2014, DFEEST held $41.6 million in a special deposit account with the Department of Treasury and Finance (DTF) as at 30 June 2014. Deposits with the Treasurer may only be used in accordance with the Treasurer's approval. The special deposit account is for general operating expenses, including the payment of long service leave and annual leave expenses.

Consumer and Business Services, does not have a separate fund managed to cover annual leave costs, however there is an accrual appropriation excess funds account maintained by the Department of Treasury and Finance which can be accessed by agencies to fund leave entitlements.

(b) As at 30 June 2014, DFEEST held a total $41.6 million in cash or cash equivalents. This amount was held in an account named 'special deposit account with DTF.

As at 30 June 2014, the balance of the accrual appropriation excess funds account for the Attorney-General's Department was $12.40 million. Consumer and Business Services is a division within the Attorney-General's Department, however the accrual appropriation excess funds are not split by division.

4.

(a) The former DFEEST had a policy of monitoring annual leave accrual.

The Attorney-General's Department has a policy regarding leave and leave entitlements.

(b) The former DFEEST had a policy that, the maximum balance allowed was 6 weeks or 30 days and staff accruing over 20 days leave were required to submit a plan to their manager of their intended proposal to take this leave.

The Attorney-General's Department Leave Policy states that if an employee has accrued recreation leave in excess of their yearly entitlement (e.g. 150 hours for full time employees), the manager will proactively manage the balance so that the employee's leave entitlement is accessed and reduced to the equivalent of one year's entitlement before their next service year begins.

Employees must seek approval to defer accrued recreation leave to another service year where the accrued entitlement is greater than 150 hours for a full time employee as at their service year end date.

ANNUAL LEAVE

111 The Hon. R.I. LUCAS (3 December 2014). For each Department or Agency then reporting to the Minister for Communities and Social Inclusion—

1. What is the estimated annual leave liability as at 30 June 2014 in days and dollars?

2. What is the highest annual leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?

3.

(a) What funding, as at 30 June 2014, was held in accounts controlled or administered by the Department or Agency to fund annual leave; and

(b) What were the names of the accounts and total funds held in these accounts as at 30 June 2014?

4.

(a) What policies, and monitoring of these policies, are in place to ensure that there is not a build up of annual leave liability within the Department or Agency; and\

(b) Are employees required to take annual leave after a certain level of entitlement has accrued?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Communities and Social Inclusion has received this advice:

The following information is provided in relation to the Communities and Social Inclusion, Social Housing, Multicultural Affairs, Youth and Volunteers portfolios. Information regarding annual leave in the other portfolios within the relevant departments will be reported by the responsible Ministers.

1. As at 30 June 2014, the estimated annual leave liability was $13,786,394 which represents 45,692 working days (based on 342,693 hours on 7.5 hour days).

2. As at 30 June 2014, the highest annual leave entitlement in dollars that had not been taken for any employee was $100,247 which represents 74 working days (based on 554 hours on 7.5 hour days). The highest annual leave entitlement in days was 109 working days (based on 816 hours on 7.5 hour days) which represents $25,042.

3.

(a) The Department for Communities and Social Inclusion (DCSI) holds no funds specifically for annual leave liability. When annual leave is taken, it is paid by the department out of appropriation. If appropriation is insufficient to fund the annual leave expense, additional funding is sought from the Department of Treasury and Finance.

(b) As stated in the answer to III (a), no funds are held in a specific account.

4. Managers are required to monitor leave balances and encourage staff to take their entitled leave each service year. A report on excess annual leave balances is issued monthly to Directors for staff in their division to assist in monitoring leave across the department.

Delegates are required to work with employees to manage recreation leave balances. In most circumstances leave should not be deferred. However, delegates may, under exceptional circumstances, approve deferment of recreational leave (with the agreement of the employee) where:

- business unit requirements have prevented the employee from expending all recreation leave entitlements within that service year; or
- an employee requests deferment of their recreation leave for an approved specific reason. For example, if they are planning an extended overseas holiday during their following service year.