LEGISLATIVE COUNCIL

Thursday, 13 April 2017

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 the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Electricity Industry Superannuation Scheme—
Report of the Electricity Industry Superannuation Board and AGL 2002
Report of the Electricity Industry Superannuation Board and ElectraNet SA 2002
Report of the Electricity Industry Superannuation Board and ETSA Utilities 2002
Report of the Electricity Industry Superannuation Board and NRG Flinders 2002
Report of the Electricity Industry Superannuation Board and Synergan Power 2002
Report of the Electricity Industry Superannuation Board and Terra Gas Tender 2002
Report of the Electricity Industry Superannuation Board and TXU 2002
Report of the Electricity Industry Superannuation Board on the Actuarial Investigation as at 30 June 2008
Statement of Advice in relation to the report to the Electricity Industry Superannuation Board on the Actuarial Investigation as at 1 July 2005

By the Minister for Police (Hon. P.B. Malinauskas)—

Rules of Court—Magistrates Court—Magistrates Court Act 1991—Amendment No. 60

Question Time

PRISON ADMINISTRATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prisons.

Leave granted.

The Hon. D.W. RIDGWAY: In November 2013, Mr John Steve Costi took his own life at the Adelaide Remand Centre. Correctional officer Aaron Lee, who was working at the Adelaide Remand Centre and still works at the centre, told the coronial inquest that prisoners are checked every two hours, but that only last Wednesday, 5 April, was he informed that it is also the protocol that staff conduct random checks and that this protocol was not being followed. My question to the minister is: how long has the protocol of random checks been in place at the Adelaide Remand Centre?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:21): Obviously, any death in custody of the state is of great concern to the Department for Correctional Services and myself. We have been working hard as a department for a sustained period to try to minimise the risk and likelihood of those people who are in the state's custody being able to take their own life. Of course, a number of efforts have been made in both policy protocol and infrastructure, again over a sustained period of time, to achieve that objective and it remains an ongoing cause.

Whenever a death in custody takes place, as the honourable member referenced in his question, an automatic coronial inquiry ensues. That is an important part of the process, because it informs any changes that may need to be made in order to be able to minimise the likelihood of a death in custody occurring generally.

Regarding the question from the Hon. Mr Ridgway, I am more than happy to take on notice the specifics that he asked regarding the policy of random checks. Although I have a vague understanding, I am reluctant to provide a statement on the record. I prefer to double-check it for the sake of clarity and accuracy and ensure that he gets that as soon as possible. I will take it on notice and if I get the information before the end of the day, I will provide it to you verbally.

PRISON ADMINISTRATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:23): Supplementary: I will ask two supplementary questions in a row, if I may. Is the protocol of random checks consistent across the prison system? If I was to sit down and stand up again, I would be asking: is there any reporting against this protocol? If something is provided to you before the end of question time today, it would be useful if we could find out that information as well.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:23): Again, I am more than happy to adopt the same approach as with the previous question. I will get the information as soon as possible. I will attempt to get it before the end of the day, but certainly I will take it on notice more formally as well.

RAYMOND, MS J.

The Hon. J.M.A. LENSINK (14:23): I seek leave to make a brief explanation before directing a question to the Minister for Police on the subject of the failed prosecution of Jemima Raymond on the grounds of alleged assault.

Leave granted.

The Hon. J.M.A. LENSINK: Jemima Raymond was a teacher at Errington Special Education Centre and the case which was recently dismissed against her was described by the magistrate as 'one of the most unmeritorious prosecutions' she had ever seen in the 25 years of doing her job. My questions for the minister are:

1. Is this case and this failed prosecution being reviewed and, if so, who is undertaking that review?

2. Why was the prosecution pursued?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:24): I thank the honourable member for her questions. I am able to confirm that, on 18 December 2015, SA police advised the Department for Education and Child Development of their investigation in relation to Ms Jemima Raymond, regarding an alleged assault of a student.

On 3 February last year, SAPOL arrested and charged Ms Raymond with recklessly cause harm to another, aggravated offence. A trial commenced on 20 September 2016 and on 6 March this year the matter was dismissed and Ms Raymond was not committed. I can confirm that the department is conducting a review into the matter and we will await the outcome of the review in due course.

CORRECTIONAL SERVICES, FORENSIC PATIENTS

The Hon. S.G. WADE (14:25): I seek leave to make a brief explanation before asking the Minister for Correctional Services questions about forensic patients in correctional facilities.

Leave granted.

The Hon. S.G. WADE: On 4 August 2016, the minister advised the council that 15 forensic patients were being held in South Australian prisons as of 29 June 2016. That information was provided as part of the minister's response to a series of questions that I put to him in relation to the

detaining of forensic mental health patients in South Australian correctional facilities pursuant to section 269V of the Criminal Law Consolidation Act 1935.

The minister took my questions on notice and also those of my colleague the Hon. Kelly Vincent and gave a commitment to provide answers as soon as possible. More than eight months later, those answers have not been provided. My questions to the minister are:

1. How many forensic mental health patients are currently being detained in a South Australian correctional facility pursuant to section 269V of the Criminal Law Consolidation Act 1935?

2. How long have each of these patients been held in the facility?

3. When does the minister expect to be in a position to be able to provide a response to the questions of both myself and the Hon. Kelly Vincent taken on notice on 4 August 2016?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:26): I will get to the questions the honourable member has asked but I will first provide a bit of context. Part 8A of the Criminal Law Consolidation Act 1935 deals with mental impairment, including the making of supervision orders and limiting terms. A defendant committed to detention under this part of the act is referred to as a forensic patient and is placed in the custody of the Minister for Mental Health and Substance Abuse.

A forensic patient is ordinarily detained to a secure mental health facility such as James Nash House; however, the Minister for Mental Health and Substance Abuse has a power under section 269V of the Criminal Law Consolidation Act to determine that the forensic patient be placed in a DCS prison. Persons detained to a prison in the above circumstances can present significant challenges to the department due to their multiple and complex needs. Often the person detained has a cognitive disability, an intellectual disability or an acquired brain injury, for instance, and/or psychiatric disability that heightens the risk to the person whilst in custody.

In answer to the honourable member's question regarding numbers, I am in a position to confirm that I am advised that as of 9 February 2017 there were 10 forensic patients held in prison under a ministerial direction but, of course, the number of forensic patients within the Department for Correctional Services custody fluctuates from time to time. The most recent figure I have available, as I am advised, is 10 as at 9 February this year.

Despite the challenges, the Department for Correctional Services remains committed to a collaborative approach with the forensic mental health service in relation to the management of forensic patients and the implementation of appropriate transition planning.

The PRESIDENT: Supplementary, the Hon. Mr Wade.

CORRECTIONAL SERVICES, FORENSIC PATIENTS

The Hon. S.G. WADE (14:28): I wonder if the minister could either provide an answer or take on notice my other two questions. I thank him for the answer that he has given to one of the questions. How long have each of these patients been held in DCS custody and when does the minister expect to be able to provide responses to the 4 August questions?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:29): Sorry, I neglected to get to the second two questions. In regard to the questions that I have taken on notice, I will engage my office and establish where those responses are at and try to expedite them. My office always endeavours to get responses back as quickly as is practicable.

Regarding your question about how long those specific 10 people have been within the custody of DCS, I will have to take that on notice. What I would say is that it is important to remember that that number fluctuates. While that is the number as of 9 February this year, that is obviously almost two months ago and so the number of people released may have fluctuated since then. It might be better if I seek to garner information as to what the average length of stay is for a person who is a forensic patient under the custody of DCS.

CORRECTIONAL SERVICES, FORENSIC PATIENTS

The Hon. S.G. WADE (14:30): Supplementary: I thank the minister and I agree that that would be more useful for the council. Could he advise us what the average number of patients detained under that provision is over the last five years. I don't know whether it is possible to work out the average length of stay of those patients, but if it is possible that may also be of assistance to the council.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:30): I will endeavour to get as much information within this package as is reasonably practicable and get it back as quickly as possible.

CORRECTIONAL SERVICES, FORENSIC PATIENTS

The Hon. K.L. VINCENT (14:30): Supplementary: I will ask two questions while I have the floor, if I may. How many forensically detained patients are not currently at James Nash House because of overcrowding and are at Yatala or other prisons? Where are the 10 prisoners whom the minster referred to in his original response located at the moment? Also, how many forensic patients does the minister expect will be entering the National Disability Insurance Scheme upon release? Has the government done the modelling for this?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:31): I think the last question falls within the area of the Minister for Mental Health and Substance Abuse. I am more than happy to take that question on notice and seek a response from her. Regarding the earlier components of your question, they do squarely fall in the realms of my ministerial responsibilities. Again, I am happy to take that on notice. For the sake of general information, according to the information I currently have at hand, it is well established that James Nash House is a facility that is, generally speaking, always full.

It would be surprising to learn, if this indeed was the case, that there were patients in DCS's custody who could otherwise have been accommodated in James Nash House, but hadn't been. That would be an unusual practice, but nevertheless I will get that information for the honourable member and that will provide her with clarity and certainty around the circumstances of each of those 10 people, if indeed that number still remains at 10.

CORRECTIONAL SERVICES, FORENSIC PATIENTS

The Hon. S.G. WADE (14:32): I appreciate it not being appropriate to say where particular prisoners are, but I am interested to know whether this cluster of prisoners is co-located; that is, whether the DCS runs some sort of wing dedicated to forensic patients, or whether they are dispersed across institutions?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:32): Again, I will take this on notice for the sake of accuracy. What I can say, generally, is that different prisons serve different needs. Naturally, even within prisons there are different sections that serve different needs and have different capabilities. The state government has over time been investing in different areas within prisons to be able to better accommodate those people with health needs. For instance, early last year, the state government opened a rather expensive facility at Yatala Labour Prison to be able to better deal with the health needs of some prisoners, including their mental health needs.

Different prisons provide different services. Naturally, it will be varied. Again, I am happy to seek some clarity on whether it is possible—again, I want to be sure on this—that there are some prison institutions that simply would not take on forensic mental health patients and that therefore there are some that are more likely to have them than others. I will get a comprehensive list and provide that to the honourable member.

CYCLING SECTOR

The Hon. G.E. GAGO (14:34): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the chamber about how the cycling sector could grow to support businesses and jobs in South Australia?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:34): I thank the honourable member for her question and her ongoing interest in all things bike related.

Members interjecting:

The Hon. K.J. MAHER: The Hon. Gail Gago has many and varied interests across a huge range of areas—

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. MAHER: —although I do note that Hon. Gail Gago is an accomplished runner more than a cyclist. I thank the Hon. David Ridgway for his interjections; he is a well-known athlete out and around the place. He occasionally walks places, I understand.

On Sunday I announced that South Australia would hold a bike summit later this year, taking in a wide range of businesses and experts to showcase our existing bike sector and to look at opportunities to grow. The summit is the first recommendation from an SA government commissioned report by renowned urban strategist Margaret Caust, who examined how we can make the most of our established reputation as the key cycling destination in Australia.

We are already known for our bike culture in SA, particularly as hosts of the Tour Down Under. Recently released data shows that the 2017 TDU added $56.5 million into the state economy and created around 680 full-time jobs. This year's TDU also had a record number of spectators, with almost 840,000 people watching the action and around 43,000 diehard cycling fans coming to South Australia from overseas or interstate.

Long term, we have the capacity to better position ourselves as global leaders and to develop local industry on the back of our current success. We are starting to see green shoots already. Start-ups and small businesses in the cycling industry are establishing themselves in SA, but we are keen to make sure that we give them every possible chance to take full advantage of where we currently stand and where we are headed.

I am not just talking about the lycra-clad clusters of middle-aged men you see cycling on weekends or on the way into the city in the morning early for work. This goes further and is about creating new and globally competitive industries on the back of our international reputation. We have always been known as a manufacturing state, so a natural progression into this area makes sense. Our next step after the summit is to look at how we can encourage more cycling in the state and new bike-related industries. We already have some exciting businesses established here, like our high-vis, designer Hey Reflect'o, and framing component manufacturers Astir Frames and Finch Composites.

Globally, a cycling boom is underway, with future-focused cities making cycling a key mode of transport. This in turn is spurring on new manufacturing industries that focus on design of materials and production. E-bikes—bicycles with an integrated electric motor which can be used to supplement pedalling—are a game changer. I know the Hon. David Ridgway would very much appreciate the battery-assisted propulsion whenever he has a chance.

The bike economy report finds that e-bike sales will be worth $24.3 billion by 2025, with bike sales worth $65 billion by 2019. In Australia there is a $254 million benefit from bike events and tourism. The cycling industry accounts for approximately 10,000 jobs, and bike goods and services account for $1 billion in sales. In South Australia there are in excess of 120 bike-related businesses. Five of the nine top bike tourism destinations are in South Australia, and there are more than 400 people employed in bike retail.

The industry is changing rapidly and, like we are seeing with other disruption in traditional manufacturing sectors, start-ups and new players are entering the market with new and exciting products on offer. Areas are moving in the bike economy, such as urban designer Daniels Langeberg's new company. His company, EcoCaddy, is a prime example of this new innovation. It is why when we released the report and the bike summit, we did it at his workshop in Wright Street in the Adelaide CBD.

His company operates electric-assisted pedicabs, including both a courier service and a passenger service, providing an environmentally friendly and different experience for people in the city. EcoCaddy could have set up anywhere in Australia, but they chose Adelaide partly because we are a cycling friendly city with great cycling infrastructure and we provide a competitive business environment. These are significant opportunities for the bike economy, and I look forward to seeing how this sector of our economy develops.

CYCLING SECTOR

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:39): By way of supplementary question—

Members interjecting:

The Hon. D.W. RIDGWAY: Only because of the interjection to start with. Did the minister give a date of when the summit will be? I missed the start of the answer.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:39): I thank the honourable member for his very good question. Some time in the next few months the summit will occur. I am happy to give information to the honourable member about the summit as it occurs. He was a constructive and active participant in the cannabis summit we held a couple of months ago. So, unlike some of his colleagues, I welcome his input into the future of South Australia.

CYCLING SECTOR

The Hon. A.L. McLACHLAN (14:40): By way of supplementary question, minister, has the department made any projections on employment opportunities in relation to these initiatives?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:40): I thank the honourable member for his very good question, as they always are. Many people have canvassed the potential for him to be leader of this chamber for the Liberal Party at some stage. I notice that we have hard hitters wandering around the parliament today, back from other parts of Australia, so obviously something is going on—some sort of spill or reshuffle is due to occur with the factional hard hitters who have been wandering around the chamber over the last couple of hours.

The question was about cycling jobs and any sort of prediction. As with many of these areas where we are seeing rapid change and new innovations, it is exceptionally difficult to, with any sort of certainty, predict exactly where the industry is going to go. We know, from what I have talked about before, that globally bike sales are estimated to be worth $65 billion in only a few short years, so with some of the industries starting up we will no doubt see jobs in South Australia. But, as is the nature of innovation, it is difficult with accuracy to predict exactly how beneficial this will be for South Australia.

CYCLING SECTOR

The Hon. K.L. VINCENT (14:41): By way of supplementary question, will the summit include discussions around qualifications for bicycle mechanics and further opportunities to provide more training for people to become bike mechanics?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): I thank the honourable member: it is a very good question. It is similar to the question of the Hon. David Ridgway. We will

hold it over the coming months. We have not set down exactly what will be included, but anything that touches on the ability to provide more jobs and industry we are happy to look at.

CYCLING SECTOR

The Hon. A.L. McLACHLAN (14:42): A supplementary arising out of the question: who will fund or underwrite the cost of the summit, and if it is the government how much will it cost?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:42): I thank the honourable member for his probing and searching questions: he is holding the government to account in a way that only he can seem to do effectively. I can give some information. The report we are talking about cost about $16,000 to commission, and was out of existing resources from the Department of State Development. As to the cost of holding the summit, we certainly will have Bicycle SA involved, but it will come from existing resources within the Department of State Development.

CYCLING SECTOR

The Hon. M.C. PARNELL (14:43): My supplementary question relates to the various facts and figures that the minister usefully put on the record, to which I will add the fun fact that bicycles have outsold cars in South Australia for 16 years in a row, but that is apropos of nothing. My question of the minister is: given the massive economic benefit that cycling can have to an economy like South Australia's, does he believe that it is reasonable that less than 1 per cent of the transport budget is spent on cycling?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:43): I thank the honourable member for his question. It is a very good question. I have to say that the cycling infrastructure we have around Adelaide compares very well to most other jurisdictions in Australia. I talk to people around December and January who are over here from other states, and they have very favourable comments about the cycling infrastructure around South Australia.

I can add from personal experience that, even this morning riding into work from Port Noarlunga to the city, the vast majority of my ride in is off the road, whether it is the veloway along the Southern Expressway or veloways along tram and train tracks. We have good cycling infrastructure in South Australia, but this is no reason to rest on our laurels. We need to keep standing up and doing what we can in South Australia, so we will continue to invest in cycling infrastructure.

CYCLING SECTOR

The Hon. K.L. VINCENT (14:44): Supplementary question: does the minister know whether skilled workers leaving manufacturing companies like Holden might transition into becoming bike mechanics and whether those skills would translate into the building of other mechanisms like wheelchairs or mobility aids or even maintenance work? What is the government doing to promote that opportunity?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:45): I thank the honourable member for her very good question. I understand that one of our bicycle manufacturers, who is making bicycle frames from titanium additive manufacturing, is a former Holden worker who started their own company.

The extraordinarily advanced manufacturing skills we had through our automotive sector are readily translatable into other sectors. As I said, I understand one of the new companies in South Australia is run by a former Holden engineer, so I am certain that there will be areas, whether it is cycling or a whole range of other areas, that will see Holden workers not just as mechanics, but owning and starting and running companies that build and design things in bicycle manufacturing and other areas.

I'm also aware that there are a number of the 74 tier 1 and tier 2 supply chain companies that are diversifying into areas like medical devices. The honourable member is very astute, and she is correct that there are significant opportunities in other areas such as mobility assistance or medical devices and bicycles.

MEDICINAL CANNABIS SYMPOSIUM

The Hon. T.A. FRANKS (14:46): I seek leave to make a brief explanation before addressing a question to the Minister for Manufacturing and Innovation in his capacity as lead minister for medical cannabis on the subject of the Medicinal Cannabis Symposium in Melbourne.

Leave granted.

The Hon. T.A. FRANKS: The United in Compassion group is headed by Lucy Haslam, whose son Dan died after accessing medical cannabis, bringing the attention of not only Premier Mike Baird but indeed Australians more broadly to the issue of medical cannabis. The group is heading up the third national gathering on medicinal cannabis. It is the Medicinal Cannabis Symposium to be held in Melbourne from the 23rd to the 25th of June this year.

There is another part to the event which includes, on 22 June, a medical cannabis course. It was designed by health professionals to be delivered to healthcare professionals at a bargain basement price of $100 per head, which simply covers the catering costs. My question to the minister is: what participation will the government have in this symposium and what promotion will they make of the ability of medical health professionals to go to be educated at this one-day course in Melbourne in June?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:47): I thank the honourable member for her question and her passion and commitment in this area, not just with medical cannabis but other areas like industrial hemp that passed this chamber recently and, I understand, is likely to pass the other chamber either today or the next sitting week.

In relation to a symposium to be held in Melbourne, I will, after question time, ask my office to ask the department if there is any relevance for South Australia. I will also undertake to have the AMA in South Australia informed of the symposium so that they can get information particularly to their professionals, who are the ones who might possibly prescribe medicinal cannabis.

MEDICINAL CANNABIS SYMPOSIUM

The Hon. T.A. FRANKS (14:48): Supplementary: will the minister also undertake to email SA Health employees through the email system to promote the existence of the workshop and the symposium?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:48): I thank the honourable member for her question. I'm not sure of what the guidelines are for an all-of-department email, but I can ask those questions.

STATE ICE TASKFORCE

The Hon. A.L. McLACHLAN (14:48): My question is to the Minister for Police and relates to the Ice Taskforce. Minister, in your role as chair of the ministerial crystal methamphetamine (ice) task force, will you commit your task force to hold a small panel forum in the Riverland as the communities of Adelaide CBD, north and south, Mount Gambier, Murray Bridge, Port Pirie and Whyalla have also received and enjoyed?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:49): I thank the honourable member for his important question. The Ice taskforce is an incredibly important undertaking on behalf of the government to try to tackle this rather insidious drug that is affecting communities, not just in South Australia but also around the country more broadly. The Premier has been very clear in his expectations of me and the task force in undertaking this effort, that it should be a 60-day project

with the objective of developing a comprehensive policy response that the state government can have responsibility for, that will have a positive impact on the ground sooner rather than later when it comes to the mitigation of the use of ice in our communities.

We have had extensive meetings to date. We have met in Murray Bridge, Whyalla, Mount Gambier and Mawson Lakes. More recently (just last week), we met in McLaren Vale. So, myself and other members of the task force have been getting around as far and wide as we reasonably can. We have also visited Port Pirie and other spots within metropolitan Adelaide.

Getting around and speaking to those people who are working with those people affected by ice, speaking to parents of children who have been affected by ice, speaking to addicts themselves, speaking to employers who have seen a growing level of ice use within their workplace, speaking to community groups like sporting clubs and so forth who have seen ice infiltrate their environment, has been a rather eye-opening and, indeed, on occasions, rather profound experience. Hearing directly from those people who are affected plays a very important role in the process of developing a policy response that is actually going to make a difference on the ground.

The government is unapologetic about adopting a 60-day time line for this task force. What has struck the task force over recent weeks is how urgent it is for us to try to develop a response that is going to have that positive impact. I think there are a lot of people within these affected communities that have seen other task forces, including the federal government task force, come and go and, although that effort has been positive and has undertaken some good work, it has not delivered a response on the ground as quickly as they would like.

They are consulted and task forced out. What they are looking for are measures being put in place that will assist to deal with this problem on both the supply side of the equation and the demand side of the equation. It has been clear that ice is an insidious drug that requires a specific response. This task force is not looking at alcohol and other drugs; its mandate is specifically to look at ice, or crystal methamphetamine.

Regarding the Riverland, I am happy to inform the chamber that the member for Chaffey was invited to attend and nominate stakeholders from the Riverland who have experienced the impact of ice. A letter was sent to the member for Chaffey, inviting and calling for nominations, on 8 March this year. Residents from the Riverland attended the Murray Bridge forum. If the member for Chaffey or anyone else within the Riverland, other constituents, would like to make a contribution to this task force, I would encourage them to go online to the YourSAy website. I am advised that we still have the YourSAy website taking submissions around this important piece of work.

We have heard from lots of people throughout this exercise. The YourSAy website has had in excess of 650 views and, of course, some people were able to make submissions via that. Having a response from the community writ large is important. We want to get this right but, at the same time, we don't want to delay a response. It is high time that those people who are affected by this insidious drug get the response they deserve, which means it should be delivered quickly, and that is very much the government's objective.

STATE ICE TASKFORCE

The Hon. J.S.L. DAWKINS (14:53): Supplementary question: in its work has the taskforce been able to draw comparisons from the work against ice in interstate regional centres of similar sizes to the most affected South Australian communities?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:54): The task force, of course, is doing a scan of what is happening around the country in other jurisdictions; they may be able to inform this government's policy response. In turn, I think that will help deliver a better outcome. I want to be really clear about the task force and provide some information that has surprised me as we have gone around and familiarised ourselves with this issue.

The first thing is that this task force, regardless of whatever policy response it comes up with, is not going to fix the problem of crystal methamphetamine consumption in our community. That is just a blunt reality that I have been at pains to stress to anybody who has been engaged in this process. We are not deluding ourselves that somehow overnight there is a suite of policy measures

that we can implement or there is a range of resources that we can provide SAPOL that will somehow fix very quickly the supply of ice into our communities or the demand amongst some users. That is simply not going to happen.

I think we have to be far more pragmatic, which would, of course, equate to also being responsible by ensuring that we are actually delivering outcomes that help us address the issue without unfairly inflating expectations among some community members that this is an easy thing to fix. Taking on issues like illicit substance abuse has been around forever. This has been a challenge that has plagued public policymakers globally for decades, and that is not about to change anytime soon. But I think it is equally true that this drug does deserve a specific response.

I have shared this story in a number of different forums. In Whyalla, there was a rather lightbulb moment for me as I was talking to a number of police officers, asking them about what is the most important issue to them on a day-to-day policing basis within that particular community. Almost without fail, every one of the officers I was speaking to over a cuppa in the lunchroom explained to me that they thought ice was a major problem not just in terms of the dealing of the drug but in terms of all the flow-on consequences that ice consumption has, including lower-level crimes like breaking and entering and so forth.

As I was getting around, I asked people what they thought was different about ice, and one police officer particularly summed it up well by saying—and this gentleman was clearly an experienced police officer and had been in the service of SAPOL for many, many years—'I've seen all these drugs come and go. I've seen a cannabis boom, I've seen the rise of cocaine, speed, ecstasy, heroin. I've seen the rise in the consumption of each of those drugs, but nothing is quite like ice.'

When I asked him why, what makes ice different to every other drug, he explained that every other drug, while it has a large number of policy consequences to it and effects on communities, when people overdose on those other drugs it doesn't necessarily have the same violent reaction that ice, or crystal methamphetamine, can induce. He recounted a number of stories where he himself had engaged with users of crystal methamphetamine acting irrationally and rather aggressively and incredibly violently, in a way that wasn't consistent with the way other drugs have affected users.

This drug does deserve a specific response. We are going to come up with a response in the appropriate time line. It is the government's intention to make that response and that policy public in May. We are on track to deliver it. It is a difficult piece of work. We are not going to fix this problem, but if the work of the task force and the resulting policy can result in just one less family being affected by this drug, that will be a positive outcome. We are striving to achieve, of course, a lot more than that.

STATE ICE TASKFORCE

The Hon. J.S.L. DAWKINS (14:58): Further supplementary: will the information from other jurisdictions in relation to specific community actions that the minister referred to be made available to South Australia and communities that are seeking to work with the government to tackle the ice issue?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:58): I thank the honourable member for his question. We are seeking to draw on the experience, as I said, from other parts of the country and other experienced community members. We do know that there is a concern that many regional communities are being disproportionately represented when it comes to ice use. However, I will say this: it is clear, in a way that radically and quickly cuts through any stereotype, that this drug does not discriminate in terms of who it affects.

We have heard from people who are welfare dependent just as much as we have heard from people who are employed; working class, middle class; tertiary educated, not educated at all; regional, city; male, female; young, old. It really doesn't make a difference what demographic you come from, this drug has been particularly pervasive, not necessarily just attacking one particular cohort or one particular demographic of our community. It is far more widespread than that.

That said, we do know that in some regional communities there is an over-representation of people who are consuming ice. That has come through loud and clear and it is evidenced by some research. Naturally, in the light of that, we are looking at the experiences of other regional centres. There will be a public policy announcement. When we make our announcement, which will be on the back of the consultation that we have conducted, we will make that information public and seek to share it as is appropriate.

STATE ICE TASKFORCE

The Hon. J.S.L. DAWKINS (15:00): Further supplementary: will the minister commit to providing information, for instance from an irrigation area like Shepparton, which has had a significant problem, to similar irrigation communities, such as in the Riverland, where there are many of the same circumstances?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:00): While I appreciate the endeavour and the goodwill that comes with the question, the task force's job is not to be a facilitator of sharing information between two particular communities that are capable of doing that themselves. The task force is charged with the responsibility of developing a very clear and specific policy response to what we can do to tackle the issue of ice use.

We have been going around and hearing from communities across the state, as identified earlier, including many regional areas. That is an appropriate thing to do and has been incredibly useful thus far. The task force itself wants to be less preoccupied in terms of being a service-delivery body or an information-sharing body, as distinct from a body that is developing public policy solutions.

Now, if through that exercise—and this has come through—there is the capacity for us to do something that helps facilitate information sharing, that is something that will be actively considered as the task force goes about developing its policy. In terms of the task force itself acting as a conduit to share information between two jurisdictions, that is not the responsibility nor the mandate of the task force.

STATE ICE TASKFORCE

The Hon. D.G.E. HOOD (15:02): Supplementary question to the minister: will the task force, as part of its work and consideration, examine the impact of the actual sentences handed down by the courts, particularly in the case of those engaged in the manufacture of commercial quantities of crystal methamphetamine? Has the task force examined that issue as to its appropriateness?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:02): The task force is looking at the penalties that are applying to those people who are involved in the profiteering of either the dealing or the manufacturing of ice.

The chair of the federal government's ice task force that occurred recently—my advice was a former AFP commissioner or at least of high rank—made a remark that has been repeated to me widely by various people, including senior members of SAPOL, that we are not going to arrest our way out of this problem. I accept that.

I also believe that the task force has heard enough evidence to suggest that locking up very low-level users, or indeed low-level dealers who are simply dealing to fund their own habit, doesn't necessarily deliver the good public policy outcome that we are after. Instead, that should be treated, in some respects, as a health issue. We are accepting that evidence. However, the view of the task force, and certainly the view of the government, is that people who are further up the food chain, who are actively manufacturing or supplying this drug for profit and ruining lives in the process, should be held to account rather severely.

As part of that work, the task force is looking at the penalties that are applying to those people who are involved regarding those practices. That work remains underway. Naturally, we have senior members of SAPOL on the task force. We have a former judge, Judge Moss, on the task force as well, who has extensive experience of being involved in the drug court, I understand. We have a

number of people who can provide unique perspectives relating to the issues that the Hon. Mr Hood has asked about, and that is something that the task force is working on.

PARA WIRRA CONSERVATION PARK

The Hon. T.T. NGO (15:05): I have a question for the Minister for Sustainability, Environment and Conservation. Can the minister tell the chamber about the current upgrades at Para Wirra Conservation Park and how the government is promoting South Australia's iconic parks?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:05): I thank the honourable member for his incredibly timely question. Last weekend, I had the great pleasure of attending Para Wirra Conservation Park to mark one of the final steps in the park's transition to becoming a conservation park, upgraded from a recreation park. The first part of the event was the official unveiling of one of the signs at the entrance of the park celebrating the new Para Wirra Conservation Park and the official announcement of the reclassification of the park.

I was ably assisted in my unveiling duties by the Hon. John Dawkins, who was there. John, we are having the photographs of the day sent to your office, so you will have that available to you shortly, I hope. I think the change of status, as the Hon. John Dawkins will know, from a recreation park to a conservation park is going to be widely welcomed by the community. It is certainly a significant event in the history of the park.

It gives formal recognition to Para Wirra's importance as a habitat for vegetation and wildlife of the northern Mount Lofty Ranges area. It also ensures that the community can continue to access and enjoy the park's wonderful recreational opportunities into the future. That is partly because of the state government's commitment at the last election to invest $10.4 million in upgrading Adelaide's metropolitan parks network.

These upgrades were part of the government's 'Connecting residents of the north and south with nature' strategy. I am very pleased to advise the council that more than $2.2 million of that investment has been spent at Para Wirra to create new natural play spaces, picnic shelters and campgrounds. We have also upgraded trails, including some designated for cycling, and improved signage recognising the significance of the park to local Aboriginal people.

It is worth noting that when we went out to the community to consult with members of the public about what they wanted to see in the parks that would encourage them to use parks more—indeed, we also talked to people who don't use parks very much at all and asked them what they would like to see—one of the things that came up quite frequently was the desire to have camp places in our peri-urban parks, parks that are close to home and easily accessible.

The other closest park where you can camp is, I suppose, Deep Creek down at Fleurieu Peninsula. With the busy lives that people have these days, having the ability to pack up the kids, tumble all the camping gear into the back of the car and zip up the road to their local park to camp out over a weekend was something that they really were interested in us pursuing. That is exactly what we have done.

It is also worth noting that the recent upgrades to Cobbler Creek Recreation Park have resulted in a significant increase in visitation rates. I am advised, and I think I have advised the chamber previously, that the visitation rates at Cobbler Creek have gone up since our investment in infrastructure there from roughly 1,100 visits per month to about 11,300.

The second part of the day was a wonderful volunteer celebration event organised by the Adelaide and Mount Lofty Ranges region. I have mentioned previously in this place how lucky we are as a state to have so many passionate people who give up their time to preserve and enhance our natural environment, particularly working on parks. The Adelaide and Mount Lofty Ranges region includes some of our most ecologically diverse and agriculturally productive areas.

It is a biodiversity hotspot, home to unique native plants and animals that cannot be found anywhere else, and that is why it is important that we sensitively and efficiently manage this area, and engage the whole community in its preservation into the longer term, noting that we are effectively cheek by jowl with metropolitan residential areas, agricultural production and wildlife preservation zones.

Our volunteers are part of this process and they are a key reason why South Australia continues to be renowned around the country and, of course, around the world and in our region for our clean and green environment, and having such accessible parklands so close to the city. The volunteer event featured many members of local friends' groups, including, of course, the Friends of Para Wirra. The Para Wirra friends organisation has contributed significantly to the ongoing management of the park. In addition to helping out and assisting park staff, members have also undertaken weed control on park, revegetation works, environmental and historical research, species monitoring and, very importantly of course, fundraising, and educational work and working with the community and the public.

In 2015-16, across the Adelaide and Mount Lofty Ranges region alone, I am advised that more than 12,000 volunteers have contributed over 138,000 hours of work effort on park. This is a reflection I suppose of the great commitment and connection that people have with nature and particularly with our parks. It is also testament to the great work done by the Department of Environment, Water and Natural Resources in engaging with the local community and supporting our volunteers to help us on park.

It is an exciting month for another one of our great parks because the April park of the month is, of course, Deep Creek Conservation Park, as I mentioned earlier. Deep Creek is a much loved destination for families. It was in danger of being loved to death in some respects, especially at peak times when campgrounds would be booked out and you could not get a place. Having those extra campgrounds in our peri-urban parks will relieve some of the pressure on Deep Creek.

Deep Creek has four iconic camping grounds, fantastic walking trails and the largest remaining remnant of stringybark forest in the region. I am advised that there is an exciting ranger-guided walking tour happening on 30 April from 10am to 2pm through the heart of the conservation park. I encourage anyone who is interested to visit the 'park of the month' section on the DEWNR website before it, too, books out. You will be kicking yourself if you do not book that in.

PARA WIRRA CONSERVATION PARK

The Hon. J.S.L. DAWKINS (15:12): I have a supplementary question. I thank the minister for his involvement and completing the unveiling of the sign and the change of classification. Will the minister commit to work closely with the Friends of Para Wirra regarding volunteer concerns about the use of mountain bikes in what is regarded as unsuitable terrain, and in regard to the issue of camping in such an area of high fire risk, which is close to the northern suburbs of Adelaide?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:12): I thank the honourable member for his very important question. Yes, he would have been approached on the day, as was I, by some of the friends' groups who do have these concerns. I tried to convince them that in fact these concerns can be overcome, certainly by talking to friends' groups in other parks who have invested already, and who might have had the same initial concerns to start with but through a very collegiate approach from the Department of Environment, Water and Natural Resources—which I do commit will be undertaken with the friends' group here as well—we will be talking to them about this.

This was a government election promise and we have been delivering it in parks already. We will deliver it in Para Wirra. We and I am quite convinced that we can do these things in complete harmony with the parks and the visitation that we get at these parks. It has been the case, I think, that most people who have been involved in this process have recognised that the upgrades to the parks have, in fact, been incredibly beneficial not just for the local community who use them but for the community that has not been using them, and also of course for the parks themselves.

The more people you have on parks the more eyes you have out there helping you police those aspects that need policing, and the more people who are quite vigilant about people doing the wrong thing in parks. Having more people in parks is a good thing and it also is a great thing to have people out there just for their own health benefits, of course, enjoying nature and growing up to become defenders of the environment and of the parks that we have and love so well.

PARA WIRRA CONSERVATION PARK

The Hon. J.M.A. LENSINK (15:14): Supplementary question arising from the minister's answer: do I take it then that the minister will have a change of heart and actually support the Liberal—

The Hon. I.K. Hunter interjecting:

The Hon. J.M.A. LENSINK: The answer—will be supporting the Liberal Party's shacks bills this time?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:14): I suggest to you, sir, that that supplementary question was completely out of order. Good try, Michelle, but you know that your shacks policy is a complete abdication of your previous Liberal government's shacks policy, which this Labor government has been sticking to.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. K.L. VINCENT (15:15): I seek leave to make a brief explanation before asking questions of the Minister for Correctional Services regarding prisoners accessing the National Disability Insurance Scheme.

Leave granted.

The Hon. K.L. VINCENT: Many of the more than 3,000 South Australians incarcerated in this state's prisons have diagnosed mental illness, disability or a history of substance abuse. There are also some prisoners who have undiagnosed disabilities, including foetal alcohol spectrum disorder. Some prisoners have a history or a background of traumatic child abuse or neglect, limited educational opportunity and low literacy. As I have pointed out in this place before, people incarcerated in our prisons have a far greater prescription rate for psychotic drugs than the general population.

On any given day, more than 200 South Australians sit in overcrowded prisons after they have completed their sentence. They are eligible for release but, because there is not suitable accommodation or release planning for them, they remain in prison. I am sure the members of this chamber are aware that adults will begin rolling onto the National Disability Insurance Scheme in South Australia from 1 July this year, with around 1,500 Australians per month entering the scheme. My questions to the minister are:

1. Given the high rate of disability and/or serious mental illness in prisons, what planning processes are in place to ensure that prisoners can transition smoothly onto the NDIS upon release from prison?

2. What work is being done by the Department for Correctional Services with the National Disability Insurance Agency to provide prisoners with information about the NDIS so that they know how to go about getting information about their eligibility six to 12 months before their release?

3. What work is the minister and the Department for Correctional Services doing to ensure that prisoners who have faced multiple and significant disadvantages and may also have psychosocial or intellectual disability, or both, have the opportunity to develop life skills and improve their literacy so that they have the best possible chance upon their release from prison?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:17): I thank the Hon. Ms Vincent for her questions. There are a number components, some of which I have already spoken to during earlier questions today. Indeed, I believe the Hon. Ms Vincent has recently asked questions regarding the procedures and processes that will apply to those prisoners who may be eligible for the NDIS post their release from custody. I have undertaken to get a suite of information on that particular question, as much as is reasonably possible, to the honourable member and I am happy to reiterate that commitment again today.

In her question, the honourable member referred to overcrowded prisons—I think was the term used. We have made no secret of the fact that our prison system in South Australia is under strain. We have had a substantial rise in the South Australian prison population for a number of years. A statistic that was at hand recently, as I recall, was a 25 per cent increase in our prison population over the last three years, which is an extraordinary increase. We don't see that sort of level of increase in too many other areas in terms of demand of services within government, generally.

I am very relieved to be able to inform the chamber, as I have on other occasions previously, that the government does have a proactive, deliberate, thought through and cogent policy response to the issue of overcrowding within our prison system. The government is investing in new beds. A large number of beds have already come online in recent times. In 2014-15, 203 additional new beds came into the system at a capital cost of $29.8 million. Last year, we saw 230 beds come online into the system, which I am advised was at a cost of $50.9 million.

This financial year, we have approximately 138 beds coming online and another 132 beds coming online at Port Augusta Prison early next year at a total cost (amongst those facilities) of $82 million. These are big amounts of money, huge amounts of money. We have regularly stated that building the capital facilities that are required for locking people up and denying them their liberty is an expensive exercise, but equally so is the cost of incarcerating them generally.

The total cost of incarceration is somewhere in the order of $100,000 per annum per prisoner, or thereabouts. That is a very big number; it is an extraordinarily expensive exercise. So, of course, we have to have a well thought through, thorough response to this substantial challenge, other than just locking up more people, building more and more prison beds. There is a need to look at alternate ways to try to deal with this differently.

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

The Hon. P. MALINAUSKAS: Yes, the Hon. Ms Lensink's interjects, referring to the 'rack 'em, pack 'em and stack 'em' comment of one of my predecessors in respect to being a member of cabinet, the Hon. Kevin Foley. That is a policy response that I and this government have actively renounced. We now have a more complex, thought through, long-term strategy to reduce the rate of reoffending. Last year, the Weatherill government committed to a target to reduce the rate of reoffending by 10 per cent by the year 2020. Of course, that is a risky undertaking. Setting targets brings with it a degree of political risk. We are conscious of that, because it is a target to which we can and should be held to account, so we are working to achieve our target.

The Hon. J.E. Hanson: We have a plan.

The Hon. P. MALINAUSKAS: That is exactly right: we have a plan. Just like we do on energy, we have a plan with respect to corrections policy. It is good to have a plan. I think honourable members, earlier this week, have acknowledged that it is good to have a plan. So, not only do we have a thought through plan when it comes to energy policy, but also we have a plan with respect to corrections policy. Reducing the rate of reoffending has a number of benefits outside of reducing the costs to which I referred earlier. Reducing the rate of reoffending, of course, has the benefit of also making our community safer. If we are able to reduce that rate of reoffending, which is currently—

Members interjecting:

The PRESIDENT: I am just hoping you have a plan to end your speech.

The Hon. P. MALINAUSKAS: Mr President, I can assure you that I have approximately 48 seconds to go before this speech concludes. We are going to reduce the rate of reoffending by 10 per cent. Currently, it is sitting at 46 per cent. If we realise our reduction of 10 per cent, we will get that number down. When we do, it will mean that fewer crimes are being committed within the community. Fewer crimes being committed in the community means a safer community. That is what we are constantly striving for.

On the one hand, to achieve that we are delivering the largest police force in the history of this state, with more police officers per capita than any other state in the commonwealth, which, combined with reducing the rate of reoffending, will mean that we have a safer community, which is a good thing for all South Australians generally.

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS NO 3) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 March 2017.)

The Hon. J.M.A. LENSINK (15:24): I rise to make some remarks in support of this piece of legislation, which I think it is fair to say is the result of some growing pains in the regime of the Rail Safety National Law. The Rail Safety National Law system has created a single rail safety regulator and promulgated laws to enhance that objective, which commenced in 2013 and operates across all jurisdictions.

It was originally agreed to in December 2009 by the Council of Australian Governments. The National Transport Commission identified amendments required, in cooperation with the regulator and all jurisdictions, and the ministers of the Transport and Infrastructure Council approved this particular bill in November last year, with South Australia being the host jurisdiction which is responsible for the passage of amendment bills through the South Australian parliament. This is the third bill to be brought to the South Australian parliament under this regime.

This particular bill will amend some of the powers to charge specific fees. When I referred, in my introductory remarks, to growing pains, I understood that the funds being invested in rail have expanded by some four times and the regulator is not resourced to provide that level of oversight of some $60 billion so therefore is seeking the means for significant rail projects to be able to charge additional fees. This will enact that objective and provide a range of supporting regulations in order to do so. With those remarks, I commend the bill to the house.

The Hon. T.T. NGO (15:26): I rise today to speak on the Rail Safety National Law (South Australia) (Miscellaneous No. 3) Amendment Bill 2017. As far as I am aware, the Council of Australian Governments agreed to implement national rail safety reform in 2009. This reform was carried out by the creation of a single rail safety regulator, in conjunction with the development of a national rail safety law which would be administered by the rail regulator.

The national law was developed by the National Transport Commission and the Office of the National Rail Safety Regulator, together with various jurisdictions. South Australia, as a host jurisdiction, is responsible for the passage of the law and any amendment bills through the South Australian parliament. This particular bill constitutes the third amendment package to be considered by parliament, with the first amendment package having commenced on 1 July 2015 and the second on 1 September 2016.

This bill seeks to introduce powers for the regulator to charge additional fees for major rail projects due to increased investments. When the regulator was established in 2012, investment in major rail projects was estimated to be $15.4 billion; however, in 2016 major rail projects announced or already commenced are in excess of $60 billion. The regulator is not resourced to provide the level of oversight necessary to the level of investment currently occurring in major rail projects.

On the subject of major rail projects, this Labor government has well and truly been getting on with the job of investing in rail projects. Included amongst these is the completed Goodwood Rail Junction Project. The Goodwood junction upgrade separated the existing freight and Belair passenger lines from the Seaford line, removing the need for trains on either track to stop and give way. Construction of the rail underpass near Victoria Street lowers the Seaford line below ground level with the freight and Belair lines above.

The other project is the Torrens Rail Junction project. The Torrens rail junction is where the interstate freight railway crosses the Outer Harbor passenger railway, located in the Parklands between Port Road, Thebarton and War Memorial Drive in North Adelaide. The existing rail junction poses a productivity constraint to the strategically important Adelaide to Melbourne rail freight line, with freight trains forced to give way to Outer Harbor passenger trains at the junction.

This project will upgrade separate rail lines by lowering the Outer Harbor rail line below both the interstate rail line and the adjacent inner ring routes, which is the Park Terrace one. The lowered rail line will extend for a length of approximately 1.4 kilometres. The Torrens Rail Junction Project is currently underway with over 200 jobs expected to be created during construction with completion by early 2018.

Another project is extending the city tram network. Whilst those opposite continually oppose investment in light rail—it is like they hate public transport—the Labor government is getting on with the job of ensuring the City of Adelaide has a tram network that they can be proud of. The most recent announcement in relation to trams was the announcement to extend the tram network along North Terrace to the East End as part of the first stage of the AdeLINK tram network.

Electrification of the Gawler line is another project. In 2014, the state Labor government announced the $152.4 million electrification of the Gawler line from Adelaide to Salisbury. Early work so far undertaken on the Gawler line includes the commencement of utility service relocation works, the manufacture of nearly 500 masts, the installation of nearly 300 masts, and footings and rail track modification works as necessary for electrification. This shows that the Labor government is committed to investment in rail, especially in the northern suburbs, but where are the federal and state Liberals? Absolutely nowhere.

At the last federal election, the Labor opposition announced they would reverse the shock $76 million cut to the project by the Coalition in order for the project to start a year earlier. This would not only create local jobs but would ensure diesel trains were replaced with electric cars, with more capacity for more than 10,000 daily users. The federal Liberals are yet to come to the party in order to enable the electrification from Salisbury to Gawler to occur, and in typical fashion those opposite sit silent in order to obey the commands of their federal masters.

Instead, those opposite continue to spread their unviable, uneconomical, desperate attempt to sandbag the Adelaide Hills from the NXT team—Globe Link. I shall enjoy those opposite trying to convince the South Australian public to spend $3.6 billion on a freight bypass that only a minuscule portion of South Australians want. With that, I commend this bill.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:34): Let me thank those members who have taken the time, unlike others, to make a contribution on this bill and particularly the Hon. Tung Ngo for making an outstanding contribution. As many members are aware, this bill is important, going forward, to ensure that the Office of the National Rail Safety Regulator is properly resourced in order to maintain appropriate regulatory oversight as the number of rail projects increase across the country.

In 2012 when the Office of the National Rail Safety Regulator was established, investment in major rail projects had an estimated value of $15.4 billion. However, in 2016 major rail projects, announced or having already commenced, totalled over $60 billion. It is thus evident why this bill introduces powers for the regulator to charge additional fees for major rail projects in order to keep pace with such a dramatic rise in projects.

While it is always pleasing to see investment in major rail projects across the nation, it is somewhat disappointing that South Australia does not seem to be a priority of the federal Coalition government when it comes to investment in major rail projects, as has been demonstrated by the $76 million funding cut to the electrification of the Gawler line. I am sure those opposite will, as usual, try to stick up for their federal masters and their master, the member for Sturt; however, on this side we stand up for the interests of South Australia.

The Hon. T.J. Stephens: Say it slowly.

The Hon. P. MALINAUSKAS: On this side we stand up for the interests of South Australia. If only those opposite—

The Hon. T.J. Stephens: What a load of crap.

The PRESIDENT: Minister, just sit down for a second. Hon. Mr Stephens, it is totally inappropriate to refer to something the minister is saying as 'a load of crap'. I think you should withdraw that, now.

The Hon. T.J. Stephens: I withdraw it. I think it's a load of rubbish.

The PRESIDENT: Minister.

The Hon. P. MALINAUSKAS: He's a clever one over there. If only those opposite stood up to their federal counterparts and demanded that South Australia receive funding to complete the electrification of the Gawler line or to fix the Oaklands crossing or to continue to expand the AdeLINK tram network, they would not then have to deliberately distribute those thousands of deceptive flyers to voters about Labor not committing funds to the upgrade and face the humiliation of being forced by the Electoral Commission to send out a retraction.

However, unfortunately for South Australians, there is only one thing that is important to those opposite—themselves. They could not think of anything worse than standing up to Master Pyne in fear of rebuke from the member for Sturt. I urge those opposite to find the courage to stick up for South Australia when it comes to infrastructure funding and to urge their mates in Canberra to ensure South Australia gets their fair share.

Returning to the bill, I would also like to thank the Office of the National Rail Safety Regulator for its continued efforts to improve rail safety and its efforts in the preparation of the bill for which we have been the lead legislator. I thank all members for their contributions and I hope the success of the reforms to national rail safety continues.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 4 passed.

Clause 5.

The Hon. J.M.A. LENSINK: Members have spoken generally about the need for the regulator to be able to charge additional fees, notwithstanding the unusual politicisation by the government of elements of their failed rail transport policies. Could the minister provide some indication of what the existing fees are and the order of change of this new regime of fees being proposed through this legislation?

The Hon. P. MALINAUSKAS: I have been advised, for the honourable member's benefit, on what the applicable fees will be in a few different contexts. Maybe that will help. The highest fee would be $198,000 per annum. Examples of where that may apply would be where the proposed technology is not used or there is limited use in the Australian rail industry, or the project is highly complex and may involve significant technological operational change which presents a higher safety risk to the public, such as the introduction of a new passenger fleet or integration into an existing passenger network or major tunnelling.

There are other examples here, but I am just giving you a snapshot. If you want more detail, I am happy to come back to it. The second fee is the project component fee of (b), which is $140,000 per annum. This would be where the proposed technology is already widely used throughout the Australian rail industry or where the project is being constructed and delivered separately to the end operator or a maintainer. The third one, which is the lowest one, $93,000 per annum, would apply where the project involves substantial extension of infrastructure or substantial rolling stock modifications or where the end operator/maintainer is undertaking the project.

The Hon. J.M.A. LENSINK: Similarly, could the minister provide some examples of the existing projects that will stay within the existing regime of fees, or the current regime of fees if you like, and are there are any projects that the government might be aware of which would fall into these new categories?

The Hon. P. MALINAUSKAS: There would be some interstate, but there are none in South Australia at this point in time, or planned in the immediate future, that would fall into that category.

Clause passed.

Remaining clauses (6 to 10) and title passed.

Bill reported without amendment.

Third Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:43): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILDREN AND YOUNG PEOPLE (SAFETY) BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:44): I move:

That this bill be now read a second time.

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

Leave granted.

The *Children and Young People (Safety) Bill 2017* ('the Bill') is a landmark piece of legislation which repeals the *Children's Protection Act 1993* and creates a new child protection framework to implement recommendations made by the Child Protection Systems Royal Commission in its report *The Life They Deserve* ('Royal Commission Report'). The status quo is not an option and this Bill provides a scheme where the protection of children and young people from harm is at the very centre of the child protection system and is above all other priorities; it is the paramount consideration for those charged with the administration, operation and enforcement of this legislation.

Child abuse and neglect negatively affect a child's development, including the physical, psychological, cognitive, behavioural, and social aspects of a child's development. It can result in attachment difficulties, trauma, physical health problems and learning difficulties. The negative effects of child abuse and neglect can be long-lasting and inter-generational. Young people and adults who were abused or neglected during childhood commonly experience mental health problems, and there is a strong association between sexual abuse and substance abuse.

It is a difficult task for the State of South Australia or indeed any jurisdiction to determine the appropriate threshold or trigger which should cause the State to step in and protect a child or young person from harm or a risk of harm. This difficulty is acknowledged by the Guardian for Children and Young People, who noted in a recent Annual Report:

Intervention by the State is not without its difficulties and finding exactly the 'right' balance between when to intervene and when not to intervene is very challenging, as is the way in which it can be accurately expressed in legislation to cover the appropriate circumstances. Determining when the State should be authorised to investigate, modify or terminate an individual child's relationship with his or her parents is full of dilemmas.

Two major factors come into play

- the rights and safety of the child, and
- the rights of the family to be intrinsically involved in the resolution of the issues for mutual benefit.

The love and care that can be provided within a family unit, in all its many varied forms, is the best and safest place for a child or young person to thrive and gain strength. Sadly in those cases where the jurisdiction of the Department for Child Protection is invoked, the State must step in and fulfil this role, for varying lengths of time. As the case studies in the Royal Commission Report and the recent coronial inquests into the untimely and tragic deaths of Chloe Valentine and Ebony Napier attest, in the past there has at times been too great an emphasis placed upon ensuring the preservation of the immediate family unit, with an unacceptable level of risk for a child being tolerated to achieve this. This Bill seeks to enshrine in legislation to make clear to all involved in its' operation, enforcement and administration that the safety of the children and young people are at the centre of all the decisions made. This Bill does not seek to amend the current scheme to achieve this, instead it provides for transformational change for child protection and within the Department for Child Protection.

The Bill is a framework to support those who work closest to the children and young people and to empower the Department to make decisions with children and young people at the centre.

This Bill is just one of a number of reforms that this Government is leading to address child abuse and neglect. Other reforms in the important areas of early intervention and prevention are being lead as part of A Fresh Start, the Government's response to the Child Protection Systems Royal Commission.

By way of background, on 15 August 2014, Justice Margaret Nyland received a commission from the Governor to conduct an inquiry into South Australia's Child Protection Systems. On 5 August 2016 Commissioner Nyland provided the Royal Commission Report to the Governor. The report contained 260 recommendations to the Government, some of which required legislative reform. This Bill implements part or all of those legislative reform recommendations: namely, Recommendations 47, 63, 67, 69, 70, 95, 97 to 101, 134, 137, 153, 154, 180, and 242.

This Bill represents one component of a suite of legislation implementing recommendations from the Royal Commission and reforming child protection systems in South Australia. This legislation includes the *Children and Young People (Oversight and Advocacy Bodies) Act 2016,* which establishes the Commissioner for Children and Young People, and the *Child Safety (Prohibited Persons) Act 2016,* which creates a new regime to govern working with children checks. The other related legislation is the *Public Sector (Data Sharing) Act 2016* which, once in operation, will facilitate a greater capacity to share data between government and non-government agencies, thereby further strengthening a proactive capacity in the Department for Child Protection to intervene where required, and in an appropriate and timely way.

I now turn to discuss the key features of this Bill.

Chapter 2 of the Bill sets out the Guiding Principles for the purposes of the legislation. Specifically, in Chapter 2, Part 1 the Parliamentary declaration about the value and importance of children and young people sets a tone and provides a theme for the entirety of the legislation. Clause 7 of the Bill proceeds to make it unequivocally clear to all involved in the administration, operation and enforcement of the legislation, which includes the Court, that the paramount consideration is to protect children and young people from harm. This is underpinned by clause 8, which sets out other needs of children and young people to be considered, including the need to be heard and have views considered, the need for love and attachment, the need for self-esteem, and to achieve their full potential. However, throughout the Bill you will see that other considerations to be taken into account in its operation will always be subject to the primary objective, the safety of children and young people.

Chapter 2, Part 3 sets out the principles to be applied in terms of intervention and the placement of a child or young person at risk of harm. The principles of intervention place emphasis on timely action and decision making, stating that in the case of young children decisions and actions should be made as early as possible in order to promote permanence and stability for the child. The principles also indicate that wherever possible adequate consideration should be given to the views expressed by the child or young person. Clause 10(3) of the Bill makes clear however that none of the principles of intervention can displace the paramount consideration set out in section 7 of the Bill, which is the need to ensure that children and young people are protected from harm.

The placement principles set out at clause 11 of the Bill confirm that a child or young person removed pursuant to the legislation should be placed in a safe, nurturing, stable and secure environment, preferably with someone known to the child or young person.

Clause 12 of the Bill carries across but further refines the Aboriginal and Torres Strait Islander Child Placement Principle. The Principle importantly continues to advocate for Aboriginal and Torres Strait Islander children to be placed with their own extended families, with members of their communities or, if neither of those placements can be found, with other Aboriginal or Torres Strait Islander families.

Currently custody and guardianship is a function undertaken by the Minister under the *Children's Protection Act 1993*. This Bill vests the guardianship of children and young people in the Chief Executive of the Department for Child Protection. Conferring this responsibility upon the Chief Executive will also better align the South Australian system with systems in other jurisdictions.

In accordance with the undertaking given by the Government during the passage of the *Children and Young People (Oversight and Advocacy Bodies) Act 2016*, Chapter 2 Part 4 of the Bill appropriately includes the Charter of Rights for Children and Young People in Care, which is currently located in the *Children's Protection Act 1993*.

Chapter 4 of the Bill sets out some of the options that can be used when a child or young person is at risk but the risk is of a nature or type that does not warrant the child's removal. These provisions deal with the establishment of assessment and referral networks, convening of family group conferences and case planning. As was identified and recommended by the Royal Commission, either the Chief Executive or the Court may convene a family group conference. This is necessary as a number of child protection matters may never progress to seeking court orders for various reasons. It is in these cases that the Chief Executive has access to family group conference as a mechanism of early intervention to attempt to address and prevent further escalation of a child protection matter. The Youth Court will, as is currently the case, also have the power to convene a family group conference, should that be required. It is important to note here, that this Chapter is not an exhaustive list of all avenues of early intervention and prevention, these are only a small number which required legislative force for various reasons, including information sharing. The Government has acknowledged the importance of early intervention and prevention to address child abuse and neglect

in its response to the Child Protection Systems Royal Commission, and is continuing reform in this area in partnership with non-government organisations.

Chapter 5 of the Bill identifies when risk arises and what should be done, commencing with the reporting obligations. Part 1 reiterates that it is the duty of everyone to safeguard and promote the outcomes set out in clause 4(2) of the Bill but retains the existing requirements under the *Children's Protection Act 1993* that certain persons must report their suspicion that a child or young person is at risk. These persons must report any suspicion formed in the course of their employment if they have reasonable grounds for their suspicion, with failure to do so attracting a significant penalty. Part 2 sets out prescribes that a response by the Department for Child Protection to a report that a child or young person may be at risk. Without limiting any other action that may be taken by the Chief Executive, the Chief Executive must cause at least 1 of the following actions to be taken:

- an investigation pursuant to clause 33 of the Bill;
- if a clause 33 investigation is unnecessary, an alternative response that in the opinion of the Chief Executive, more appropriately addresses the risk must be implemented;
- the matter is to be referred to an appropriate State authority pursuant to clause 32 of the Bill; or
- if the Chief Executive is satisfied that either the matter has previously been dealt with and there is no need to re-examine, the matter is trivial or vexatious or frivolous or there is good reason why no action should be taken, the Chief Executive may decline to take further action.

Clause 31(4) of the Bill also incorporates transparency measures which impose a requirement on the Chief Executive to maintain a formal record in relation to each action taken and the reasons for the said action. Secondly, the Annual Report for the Department for Child Protection must include statistical information relating to action taken under clause 31.

Clauses 32, 34 and 35 the Bill provide greater powers to the Chief Executive of the Department for Child Protection, powers which previously required a court order. These include the is the ability to investigate the circumstances of a child or young person at risk and directing that a child or young person be professionally examined or assessed. Clause 35 of the Bill empowers the Chief Executive to be able to direct persons to undergo drug and alcohol or parenting capacity assessments. These measures will allow the Department to begin assessment of a child early and not be delayed by the Court process.

Chapter 5, Part 3 of the Bill outlines the threshold for the removal of a child or young person, providing that a child protection officer may remove a child or young person if they believe on reasonable grounds that the child or young person has suffered serious harm, or there is a significant possibility that they will suffer serious harm, and it is necessary to remove them to protect them as there is no reasonably practical alternative. Part 3 also sets out the action to be taken once a child or young person has been removed. Chapter 5, Part 4 of the Bill authorises the removal, and the Chief Executive's temporary guardianship, of a child born to an offender who has been found guilty of a 'qualifying offence'. These measures have been preserved and carried across from the *Children's Protection Act 1993*, as they arose from recommendations of the Coroner in the inquest into the death of Chloe Lee Valentine.

Chapter 6 of the Bill prescribes the court processes, in terms of who may make applications to the Youth Court, when the application can be made and the orders that can be made. It also provides for the legal representation of children and young people and the obligations of legal practitioners, in accordance with Royal Commission recommendation 69. Of further note is clause 54 of the Bill, which reverses the onus of proof for applications, other than initial applications, so that the objector must satisfy the court, on the balance of probabilities, that an order should not be made. The Crown will continue to bear the onus of proof for initial applications. Subsection (3) of clause 54 clarifies that this does not apply to the child or young person to whom the proceedings relate or to the Crown. The Government is strongly of the view that this is appropriate and necessary as a fundamental key to underpin the stability and permanency of placements made of children and young people under guardianship of the Chief Executive. The rationale for this, put simply, is the need to place children and young people who have been removed from their parent/s or caregiver/s by the Department for Child Protection at the centre of all decision making. The Government will not allow the further trauma or instability and uncertainty regarding their placement to add further distress to not only the child or young person but to their carers.

Provisions regulating foster care and foster care agencies are currently in the *Family and Community Services Act 1972*, which will now be addressed in Chapter 7 of the Bill. Specifically, Chapter 7 Part 1 of the Bill will define 'out of home care', the process of approval for 'approved carers '(formerly known as 'foster carers') and when this approval can be cancelled by the Chief Executive. Of note is that application processes in Chapter 7 Part 1 of the Bill connect with the *Child Safety (Prohibited Persons) Act 2016.* Due to the nature of child protection, there will be instances where a child or young person must be urgently removed from the custody and/or guardianship of their parents or caregivers. Clause 72 of the Bill provides a mechanism for this to be done (on a short term, temporary basis) without infringing upon existing statutory requirements both under the Bill and the *Child Safety (Prohibited Persons) Act 2016*. Chapter 7 Part 1 Division 4 and Part 2 also give effect to Royal Commission Recommendations 99 and 100, by conferring upon approved carers entitlements to be provided with certain information and to participate in decision-making processes. Importantly, children and young people are also afforded the right to certain information about their placement with a carer.

Chapter 7 Part 3 of the Bill addresses the transition to long-term guardianship orders for approved carers, currently known and referred to as 'other person guardian' status or 'OPG'. Under this provision, after two years of caring for a child or young person, approved carers can apply to the Chief Executive for an application to be made to the Youth Court, placing the child or young person under the approved carer's guardianship. Once an assessment has been made and the approved carer is determined to be suitable, pursuant to clause 84 of the Bill, there is a mandatory requirement that the Chief Executive apply to the Court for such orders to give effect to the proposed long-term guardianship arrangement. As stated previously, in accordance with Royal Commission recommendation 154, aside from the Crown or the child's legal representative, should any person object to such an application being made, clause 54 of the Bill will place the burden of proof upon them, as to why the order should not be made. This of itself should give greater comfort and certainty to approved carers to proceed with making a long-term guardianship order application to the Chief Executive and to obtain the much needed certainty with regard to the placement of the child or young person in their care.

Part 4 of Chapter 7 of the Bill deals with contact arrangements for children and young people providing, in line with Royal Commission Recommendation 73, that contact arrangements are to be determined by the Chief Executive, who must have regard to particular considerations depending upon whether reunification is likely. Clause 88 of the Bill provides for contact arrangements to be determined by the Chief Executive. There will also be a mechanism for review of these decisions, pursuant to clause 90 of the Bill, by the Contact Arrangements Review Panel (established under clause 89).

Finally, Part 8 of Chapter 7 of the Bill deals with the provision of assistance to young people between 16 and 26 years of age who are leaving, or have left, a care placement. This. includes assistance to find accommodation, employment and support services. This is a significant step forward in assisting care leavers to make the transition from care to the adult world and providing them with a good start to adult life.

Chapter 8 of the Bill reinstates child safe environments. Of note is the overwhelming community support received during consultation on the draft Bill that these measures be reinstated and further refined to reflect current practice. Child abuse can occur in a variety of circumstances, however research shows that abuse is more likely to take place in organisations that have, amongst other characteristics, inadequate guidelines, gaps between policy and practice, unwillingness to listen to the child or young persons and poor or limited access to information. Legislative provisions such as those contained in Chapter 8 of the Bill cause prescribed organisations to prepare or adopt child protection policies and procedures, which will act as a guide to persons when a matter of concern arises. It also serves as a statement of the organisation's commitment to child safety in this State.

Royal Commission Recommendation 137 recommends that the Government 'legislate for the development of a community visitors' scheme for children in all residential and emergency care facilities'. Chapter 9 of the Bill gives effect to this recommendation. Chapter 10 of the Bill, which relates to the transfer of certain orders and proceedings between South Australia and other jurisdictions, has largely been carried across from the existing *Children's Protection Act 1993.*

Chapter 11 of the Bill addresses a range of administrative matters associated with child protection including the powers and functions of the Chief Executive of the Department, and of child protection officers. Chapter 11 Part 3 of the Bill implements Royal Commission recommendations regarding information gathering and sharing. Part 4 of Chapter 11 of the Bill imposes additional reporting obligations upon the Chief Executive with respect to various matters including progress in the implementation of Royal Commission recommendations, the allocation of case workers, and the management of case plans. These reports must be submitted to the relevant Minister annually and must be made public as soon as reasonably practicable.

Chapter 12 of the Bill sets out two mechanisms for review of decisions made under the Bill: internal review of a decision made by the Chief Executive or by a child protection officer (the scope of which will be defined by Regulations), and an external review by the South Australian Civil and Administrative Tribunal (SACAT). As to the latter, clause 152 confers upon SACAT jurisdiction to review certain prescribed decisions made by the Chief Executive in Chapter 7 of the Bill. For the sake of clarity, an applicant as defined seeking a review from SACAT must first exhaust the internal review of the original decision.

Many will note that this Bill does not contain any consequential or transitional provisions. This will be addressed in a separate Bill to be introduced into this place in the very near future. The provisions in this Bill require consequential amendments to a number of Statutes before commencing operation. These include: *Family and Community Services Act 1972*; *Youth Court Act 1993*; *Youth Justice Administration Act 2016*; *Children and Young People (Oversight and Advocacy Bodies) Act 2016*; *Child Safety (Prohibited Persons) Act 2016*; *Education and Early Childhood Services (Registration and Standards) Act 2011*; *Intervention Orders (Prevention of Abuse) Act 2009*; *Births, Deaths and Marriages Registration Act 1996*; *Carers Recognition Act 2005*; *Coroner's Act 2003*; *Mental Health Act 2009*; *Residential Tenancies Act 1995*; *Spent Convictions Act 2009*; and *Summary Procedure Act 1921*. Extensive transitional provisions will also be required, to facilitate the transition from the existing child protection regime under the *Children's Protection Act 1993*, to the new.

On behalf of the Government, I wish at this point to thank all of the organisations, agencies both government and non-government and individuals who provided extensive and comprehensive feedback during the public consultation on the draft Bill, tabled on 29 November 2016. All of the feedback received was considered and was actioned where appropriate for inclusion in the Bill, and provided invaluable insight into areas of concern for all involved or who have an interest in child protection in South Australia.

The proposed legislative reforms to the child protection system are an integral part of a larger package of reforms undertaken in response to the Royal Commission's recommendations. This Bill forms a significant component of such reforms. Other action will need to include policy and cultural changes both within government agencies and not for profit organisations, undertaking functions or providing services to children and young people in this State.

The introduction of this Bill signals a milestone in the reform of child protection in the State of South Australia. The Government looks forward to the Bill being passed as soon as possible, to allow those charged with the enforcement, administration and operation of this legislation to have the certainty that is necessary to commence preparations for the commencement of this legislation.

I commend the Bill to Members.

Explanation of Clauses

Chapter 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Act to bind, and impose criminal liability on, the Crown

This clause provides that the measure binds the Crown, and extends the liability of the Crown to include criminal liability.

Chapter 2—Guiding principles for the purposes of this Act

Part 1—The importance to the State of children and young people

4—Parliamentary declaration

This clause sets out a number of declarations by Parliament in relation to children and young people.

5—Duty to safeguard and promote the welfare of children and young people

This clause expresses the principle underlying this measure that everyone is responsible for the safety of children and young people.

6—Interaction with other Acts

This clause states that this measure is to work in conjunction with the specified Acts, and does not limit other laws.

Part 2—Priorities in the operation of this Act

7—Safety of children and young people paramount

This clause sets out that, in the administration, operation and enforcement of this Act, the paramount consideration must always be to ensure that children and young people are protected from harm. All other clauses of the measure are subordinated to this clause.

8—Other needs of children and young people

This clause sets out further needs of children and young people that are to be considered in terms of the measure.

9—Wellbeing and early intervention

This clause requires State authorities whose functions and powers include matters relating to the safety and welfare of children and young people to have regard to the fact that early intervention in matters where children and young people may be at risk is a priority.

Part 3—Principles to be applied in operation of this Act

10—Principles of intervention

This clause sets out the principles of intervention to be applied in respect of the performance of functions and powers under this measure.

The clause makes it clear that the Court is also bound by the requirements under the proposed section.

11—Placement principles

This clause sets out the principles to be applied in respect of placing children and young people removed under this measure, with the preference expressed for placing them with a person with whom they have an existing relationship.

The clause makes it clear that the Court is also bound by the requirements under the proposed section.

12—Aboriginal and Torres Strait Islander Child Placement Principle

This clause sets out the Aboriginal and Torres Strait Islander Child Placement Principle, which is to be observed in placing Aboriginal and Torres Strait Islander children in young people in care under the measure.

Part 4—Charter of Rights for Children and Young People in Care

13—Charter of Rights for Children and Young People in Care

This clause is the same as the provisions relating to the Charter under the repealed Act, relocated into this measure.

Part 5—Additional functions of Minister

14—Additional functions of Minister

This clause sets out functions of the Minister in respect of promoting the wellbeing of children and young people and early intervention where they may be at risk of harm.

Chapter 3—Interpretation

15—Interpretation

This clause defines terms and phrases used in the measure.

16—Meaning of *harm*

This clause defines what 'harm' is for the purposes of the measure.

17—Meaning of *at risk*

This clause defines what it is for a child and young person to be 'at risk' for the purposes of the measure.

18—Minister may publish policies

This clause empowers the Minister to publish policies for the purposes of the measure, and makes procedural provision in respect of such policies. The policies are binding on persons or bodies engaged in the administration, operation or enforcement of the measure.

Chapter 4—Managing risks without removing child or young person from their home

Part 1—Child and Family Assessment and Referral Networks

19—Minister may establish Child and Family Assessment and Referral Networks

This clause empowers the Minister to establish Child and Family Assessment and Referral Networks, and makes procedural provision in respect of such networks, including the conferral of functions on them by the measure or the Minister.

Part 2—Family group conferences

20—Purpose of family group conferences

This clause sets out what family group conferences are intended to achieve.

21—Chief Executive or Court may convene family group conference

This clause sets out that either the Chief Executive or Court may convene a family group conference, and when a conference can be convened.

22—Who may attend a family group conference

This clause sets out who is entitled to attend a family group conference, and continues the effect of the current provision in the repealed Act.

23—Procedures at family group conference

This clause sets out the procedures for family group conferences, and continues the effect of the current provision in the repealed Act

24—Review of arrangements

This clause sets out when further conferences are to be convened to review arrangements, and continues the effect of the current provision in the repealed Act.

25—Chief Executive etc to give effect to decisions of family group conference

This clause requires the Chief Executive and State authorities to give effect to decisions made at family group conferences, subject to the provisos specified.

26—Statements made at family group conference not admissible

This clause provides that things said at family group conferences are not admissible in legal proceedings.

Part 3—Case planning

27—Chief Executive to prepare case plan in respect of certain children and young people

This clause requires the Chief Executive to cause a case plan to be prepared in respect of each child and young person prescribed by the clause. The clause sets out what must be in such plans.

28—Chief Executive etc to give effect to case plan

This clause requires persons and bodies engaged in the administration, operation or enforcement of this measure to exercise their powers and perform their functions so as to give effect to case plans.

A case plan does not, however, create legally enforceable rights or obligations.

Chapter 5—Children and young people at risk

Part 1—Reporting of suspicion that child or young person may be at risk

29—Application of Part

This clause sets out the persons to whom the Part applies, and clarifies that any duty of care a person might otherwise owe to a child or young person is not necessarily met simply by reporting risk under the proposed Part.

30—Reporting of suspicion that child or young person may be at risk

This clause requires persons to whom the proposed Part applies to report, in a manner specified by the Minister, their reasonable suspicions formed in the course of their employment and relating to children and young people who may be at risk.

Part 2—Responding to reports etc that child or young person may be at risk

31—Chief Executive must assess and take action on each report indicating child or young person may be at risk

This clause sets out the processes that must be applied and followed by the Chief Executive following the CE becoming aware that a child or young person may be at risk.

32—Chief Executive may refer matter

This clause enables the Chief Executive to refer reports and notifications of risks to children and young people, and makes procedural provision in relation to such referrals.

33—Chief Executive may investigate circumstances of a child or young person

This clause empowers the Chief Executive to investigate the circumstances of a child or young person.

34—Chief Executive may direct that child or young person be examined and assessed

This clause empowers the Chief Executive to direct that a child or young person be examined and assessed, and makes procedural provision in relation to such examinations and assessments.

The clause creates an offence where a person who has examined or assessed a child and young person fails to provide a written report on the examination or assessment to the Chief Executive.

35—Chief Executive may direct person to undergo certain assessments

This clause empowers the Chief Executive to direct that a person undergo certain assessments relating to drug and alcohol abuse or parenting capacity, and makes procedural provision in relation to such assessments.

Part 3—Removal of child or young person

36—Removal of child or young person

This clause empowers child protection officers to remove children and young people from dangerous situations, and sets out when such removals can happen.

37—Action following removal of child or young person

This clause sets out what action a child protection officer is to take on removing a child or young person under section 36.

38—Custody of removed child or young person

This clause provides that children and young people removed under section 36 are automatically in the custody of the Chief Executive for the specified period.

Part 4—Chief Executive to assume guardianship of child or young person where parent found guilty of certain offences

39—Interpretation

40—Temporary instruments of guardianship

41—Restraining notices

42—Court may extend period

43—Certain information to be provided to Chief Executive

This Part is the current scheme relating to the assumption of guardianship of children and young people where a parent is found guilty of certain offences, relocated from the repealed Act.

Chapter 6—Court orders relating to children and young people

Part 1—Applications for Court orders

44—Who may make application for Court orders

This clause sets out who may apply for Court orders under proposed section 48.

45—When application can be made for Court orders

This clause sets out the circumstances in which an application for Court orders may (and, in the case of subclause (1), must) be made.

The clause also requires the Chief Executive to assess whether or not a reunification is likely between a child or young person and the person from whom they are removed before applying for orders of the kind specified in subclause (5).

46—Parties to proceedings

This clause sets out who the parties are in certain proceedings under the measure.

47—Copy of application to be served on parties

This clause requires a copy of applications made for orders under proposed section 48 to be served on the parties to the application.

Part 2—Orders that can be made by Court

48—Orders that may be made by Court

This clause sets out the orders that can be made under the measure, including orders placing a child or young person under the guardianship or in the custody of the Chief Executive or another person.

Orders under this proposed section cease to have effect once a child or young person turns 18.

49—Consent orders

This clause provides that the Court may make orders under section 48 with the consent of the parties, and in doing so need not consider the matters that would otherwise need to be considered by the Court.

50—Variation, revocation or discharge of orders

This clause sets out that parties to proceedings may apply for the variation or revocation of Court orders, or the discharge of applications.

51—Adjournments

This clause requires proceedings under the measure to be dealt with expeditiously, with due regard to the degree of urgency of each particular case, and makes provisions for adjournments of proceedings accordingly.

52—Court not bound by rules of evidence

This clause provides that the Court is not bound by the rules of evidence but must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal form.

53—Standard of proof

This clause provides that the standard of proof in proceedings under the measure is the civil standard, ie matters are to be proved on the balance of probabilities. However, this standard does not apply in criminal proceedings.

54—Onus on objector to prove order should not be made

This clause provides that, in proceedings on an application to the Court for orders relating to a child or young person who is, pursuant to an order of the Court, under the guardianship, or in the custody, of the Chief Executive or another person or persons, if a person (other than a child or young person in specified circumstances or the Crown)

objects to the making of an order by the Court, the onus is on the person to prove to the Court that the order should not be made.

55—Orders for costs

This clause allows the Court to make orders for costs where an application is dismissed.

56—Non-compliance with orders

This clause creates an offence for a person to contravene or fails to comply with a Court order that has been served on them.

Part 3—Child or young people to be heard in proceedings

57—Views of child or young person to be heard

This clause confers on children and young people a right to be heard in proceedings under the measure that relate to them, subject to the limitations in the clause.

Part 4—Representation of children and young people

58—Legal practitioners to comply with this section when representing child or young person

This clause sets out requirements that must be satisfied by legal practitioners acting for children and young people under the measure. Of particular note is that the lawyer must, to the extent that it is consistent with the legal practitioner's duty to the court to do so, act in accordance with any instructions given by the child or young person and, to the extent that the child or young person has not given instructions, must act in accordance with the legal practitioner's own view of the best interests of the child or young person.

59—Limitations on orders that may be made if child or young person unrepresented

This clause limits the ability of the Court to hear an application for orders under the measure where the child or young person to whom the application relates is unrepresented.

The clause also sets out when applications can be heard despite the child or young person being unrepresented.

Part 5—Miscellaneous

60—Conference of parties

This clause enables the Court to require the parties to proceedings under the measure to confer purpose of determining what matters are in dispute, or resolving any matters in dispute, and makes procedural provision in respect of conferences.

61—Right of other interested persons to be heard

This clause confers a right to be heard in proceedings before the Court on the persons specified.

62—Court may refer a matter to a family group conference

This clause allows the Court to adjourn proceedings under measure for the purpose of referring specified matters to a family group conference for consideration and report to the Court by the conference.

63—Effect of guardianship order

This clause provides that, where the Court places a child or young person under the guardianship of the Chief Executive or any other person or persons under the measure, the Chief Executive or the other person or persons is, or are, the lawful guardian, or guardians, of the child or young person to the exclusion of the rights of any other person.

Chapter 7—Children and young people in care

Part 1—Approved carers

Division 1—Preliminary

64—Interpretation

This clause defines the term 'out of home care'.

65—Chief Executive may establish different categories of approved carers

This clause enables the Chief Executive to establish different categories of approved carers for the purposes of the measure.

Division 2—Approval of carers

66—Out of home care only to be provided by approved carers

This clause creates an offence for a person to provide out of home care unless they are an approved carer, or are otherwise authorised to do so under the measure.

67—Approval of carers

This clause sets out the process by which the Chief Executive is to approve approved carers under the measure.

68—Ongoing reviews of approved carers

This clause requires the Chief Executive to ensure that approved carers are the subject of regular assessment, and that training and other support is provided to them.

69—Cancellation of approval

This clause sets out the circumstances in which the Chief Executive may revoke the approval of an approved carer.

70—Certain information to be provided to Chief Executive

This clause requires approved carers to provide the information specified in the clause to the Chief Executive, with an offence created for those who fail to do so.

71—Delegation of certain powers to approved carer

This clause enables the Chief Executive to delegate specified powers to approved carers.

Division 3—Temporary placement of child or young person where approved carer not available

72—Temporary placement of child or young person where approved carer not available

This clause enables the Chief Executive to place a child or young person who is removed under this Act, or who is in the custody or under the guardianship of the Chief Executive, in the care of a person despite that person not being an approved carer if the Chief Executive is satisfied of the matters referred in subclause (1). Such placements must be temporary, exceptional arrangements and must be regularised as soon as it is reasonably practicable to do so.

Division 4—Information and involvement in decision-making

73—Interpretation

This clause defines the term 'placement agency' for the purposes of the Division.

74—Approved carers to be provided with certain information prior to placement

This clause requires a placement agency to provide prospective approved carers with whom the placement agency is considering placing a child with information the enables the approved carer to make a fully informed decision as to whether to accept the placement.

75—Children and young people to be provided with certain information prior to placement

This clause requires a placement agency that is considering placing a child or young person with an approved carer to provide to the child or young person the prescribed information in relation to the approved carer.

76—Approved carers to be provided with certain information

This clause requires a placement agency that has placed a child or young person with an approved carer to provide to the approved carer information of the specified kind (being information that is in the agency's possession).

77—Approved carers entitled to participate in decision-making process

This clause clarifies that, subject to the provisions of proposed Chapter 2 of the measure, an approved carer in whose care a child or young person is placed is entitled to participate in any decision-making process decision relating to the health, safety, welfare or wellbeing of the child or young person.

78—Non-compliance with Division not to invalidate placement

This clause clarifies that a refusal or failure to comply with a requirement under the proposed Division does not, of itself, invalidate a placement of a child or young person with an approved carer.

Part 2—Children and young people in Chief Executive's custody or guardianship

79—Chief Executive's powers in relation to children and young people in Chief Executive's custody or guardianship

This clause sets out the powers that the Chief Executive may exercise in relation to a child or young person who is in their custody or under the guardianship. The clause makes further procedural provision in respect of the exercise of powers under the proposed section.

80—Review of circumstances of child or young person under long-term guardianship of Chief Executive

This clause requires the Chief Executive to cause a review of the circumstances of each child or young person prescribed under the proposed section to be carried out at least once in each 12 month period.

81—Direction not to communicate with, harbour or conceal child or young person

This clause empowers the Chief Executive to give directions of the kind specified if the Chief Executive believes it is reasonably necessary to prevent harm being caused to certain children and young people, or to prevent them from engaging in, or being exposed to, conduct of a criminal nature. A failure to comply with such a direction is an offence.

82—Offence of harbouring or concealing absent child or young person

This clause creates an offence for a person to harbour or conceal, or prevent the return of, a child or young person who is absent from a State care placement (or to assist another person to do so).

83—Unlawful taking of child or young person

This clause creates an offence for a person to encourage a child or young person to leave a place in which they were placed under the measure, or to take a child or young person from such a place, or to harbour or conceal a child or young person who has left or been taken from such a place.

Part 3—Transition to long-term guardianship

84—Certain approved carers may apply to Chief Executive to seek long-term guardianship order

This clause makes arrangements such that an approved carer in whose care a child or young person has been for a period of at least 2 years (or such shorter period as the Chief Executive may determine) may apply to the Chief Executive for an application to be made to the Court in accordance with this Part for an order placing the child or young person under the approved carer's guardianship.

The clause also requires the Chief Executive to assess the suitability of such applicants to be guardians of the relevant child or young person.

85—Long-term care plan to be prepared

This clause requires that, where an assessment under proposed section 84 suggests that an applicant is a suitable guardian for a child or young person, the Chief Executive must cause a long-term care plan to be prepared in respect of the child or young person, and provide a copy of the plan to the Court in the relevant application.

86—Chief Executive to apply to Court for order to place child or young person under long-term guardianship

This clause requires the Chief Executive, in the circumstances specified, to apply to the Court for such orders under proposed section 48 as the Chief Executive considers necessary or appropriate to give effect to proposed long-term guardianship arrangement.

Part 4—Contact arrangements in respect of children and young people

87—Application of Part

This clause sets out the children and young people to whom the proposed Part applies.

88—Contact arrangements to be determined by Chief Executive

This clause confers on the Chief Executive the function of determining contact arrangements in respect of children and young people to whom the proposed Part applies.

The clause also makes procedural provision in respect of the making of determinations under the proposed Part.

89—Contact Arrangements Review Panel

This clause requires the Minister to establish a Contact Arrangements Review Panel to review contact arrangements made under the proposed Part. The Panel is to have the jurisdiction and powers set out in the regulations.

90—Review by Contact Arrangements Review Panel

This clause provides a right of review of contact arrangements to a person allowed contact with a child or young person under contact arrangements under the proposed Part, and sets out procedures and powers of the Contact Arrangements Review Panel in respect of such reviews.

Part 5—Voluntary custody agreements

91—Voluntary custody agreements

This clause enables parents or guardians of a child or young person to enter a short term (ie up to 6 months in total) voluntary custody agreement in respect of the child or young person with the Chief Executive, placing the child or young person in the custody of the Chief Executive. The clause makes procedural provision with respect to such agreements.

Part 6—Foster care agencies

92—Interpretation

93—Foster care agencies to be licensed

94—Licence to carry on business as foster care agency

95—Cancellation of licence

96—Record keeping

97—Ongoing reviews of approved carers by agency

This Part is the current scheme relating to foster care agencies relocated from the *Family and Community Services Act 1972*.

Part 7—Licensed children's residential facilities

98—Interpretation

99—Children's residential facilities to be licensed

100—Licence to operate children's residential facility

101—Cancellation of licence

102—Record keeping

103—Child protection officer may inspect licensed children's residential facility

104—Chief Executive to hear complaints

This Part reflects the current scheme relating to Licensed children's residential facilities relocated from the *Family and Community Services Act 1972*.

Part 8—Provision of assistance to care leavers

105—Chief Executive to assist persons leaving care

This clause requires the Chief Executive to assist the child or young person in making their transition from care by preparing, in consultation with the child or young person, a plan setting out steps to make the transition easier.

106—Minister to arrange assistance for eligible care leavers

This clause requires the Minister to cause assistance of the kind contemplated by the proposed section to be offered (and, where accepted, to be provided) to certain care leavers for the purposes of making their transition from care as easy as is reasonably practicable.

Part 9—Miscellaneous

107—Agreement for funeral arrangements of children and young people in care

This clause requires the Chief Executive to assist specified parties to reach an agreement about funeral arrangements for children and young people who were in care at the time of their death.

Chapter 8—Providing safe environments for children and young people

108—Certain organisations to ensure environment is safe for children and young people etc

This clause requires organisations prescribed under the proposed section to provide what were, under the repealed Act, known as 'child safe environments'. The clause sets out steps the organisation must take to comply with the section, and creates an offence for non-compliance with those requirements.

109—Policies and procedures to be reviewed

This clause requires prescribed organisations to review the policies and procedures prepared or adopted under section 108 at least once in every 5 year period.

Chapter 9—Child and Young Person's Visitor scheme

110—Interpretation

This clause defines the term 'prescribed facility' used in the proposed Chapter.

111—Child and Young Person's Visitor

This clause enables the Minister to establish a visitor scheme in respect of children and young people.

112—Functions and powers

This clause sets out the functions and powers of the Child and Young Person's Visitor, should one be established.

113—Reporting obligations

This clause requires the Child and Young Person's Visitor to provide reports to the Minister on their work, and also enables the Child and Young Person's Visitor to prepare special reports on relevant matters, and requires both kinds of reports to be laid before Parliament.

Chapter 10—Transfer of certain orders and proceedings between South Australia and other jurisdictions

Part 1—Preliminary

114—Purpose of Chapter

115—Interpretation

Part 2—Administrative transfer of child protection order

116—When Chief Executive may transfer order

117—Persons whose consent is required

118—Chief Executive to have regard to certain matters

119—Notification to child and guardians

120—Limited period for review of decision

Part 3—Judicial transfer of child protection order

121—When Court may make order under this Part

122—Type of order

123—Court to have regard to certain matters

124—Duty of Chief Executive to inform the Court of certain matters

Part 4—Transfer of child protection proceedings

125—When Court may make order under this Part

126—Court to have regard to certain matters

127—Interim order

Part 5—Registration of interstate orders and proceedings

128—Filing and registration of interstate documents

129—Notification by Registrar

130—Effect of registration

131—Revocation of registration

Part 6—Miscellaneous

132—Appeals

133—Effect of registration of transferred order

134—Transfer of Court file

135—Hearing and determination of transferred proceeding

136—Disclosure of information

137—Discretion of Chief Executive to consent to transfer

138—Evidence of consent of relevant interstate officer

This Chapter is the current scheme relating to the transfer of orders and proceedings between the State and other jurisdictions, simply relocated from the repealed Act.

Chapter 11—Administrative matters

Part 1—Functions of Chief Executive etc

139—Functions of the Chief Executive

This clause sets out the functions of the Chief Executive under the measure.

140—Powers of delegation

This clause is a standard power of delegation in respect of the functions and powers of the Minister and the Chief Executive.

Part 2—Child protection officers

141—Child protection officers

This clause sets out who is a child protection officer under the measure.

142—Primary function of child protection officers

This clause clarifies that the primary function of child protection officers under the measure is the removal of children and young people from situations in which they are at risk of harm.

143—Powers of child protection officers

This clause sets out the powers of child protection officers under the measure.

144—Child protection officer may require information etc

This clause empowers child protection officers to require a person or body (whether a State authority or otherwise) to provide specified information and documents, and to answer questions or provide written reports. Failure to comply with the requirement is an offence.

Part 3—Information gathering and sharing

145—Chief Executive may require State authority to provide report

This clause empowers the Chief Executive to require a State authority to prepare and provide a report on certain matters, where to do so would assist the performance of functions under the measure. The clause sets out what is to happen should a State authority not comply with the requirement.

146—Sharing of information between certain persons and bodies

This clause provides that the persons and bodies specified in the clause may, for the purposes specified, exchange information and documents with each other. This applies despite limitations imposed under other Acts, but information so dealt with cannot be disclosed except in accordance with the regulations.

147—Certain persons to be provided with documents and information held by the Department

This clause allows certain persons to apply to the Chief Executive to be provided with documents and information of a specified kind relating to a prescribed person, being a person who was at some point in care.

148—Internal Review by Chief Executive

This clause confers on an applicant for documents or information under proposed section 147 a right of review by the Chief Executive of a decision to refuse to provide the relevant documents or information.

149—Interaction with Public Sector (Data Sharing) Act 2016

This clause clarifies the relationship of the proposed Part to the *Public Sector (Data Sharing) Act 2016*.

Part 4—Additional reporting obligations of Chief Executive

150—Additional annual reporting obligations

This clause requires the Chief Executive to report to the Minister on the matters specified, and for the report to be laid before Parliament and published on a website.

Chapter 12—Reviews of decisions under Act

Part 1—Internal review

151—Internal review

This clause establishes an internal review process able to be accessed by persons who are aggrieved by decisions of the Chief Executive or child protection officers under the measure.

Part 2—Review of decisions by South Australian Civil and Administrative Tribunal

152—Review of decisions by South Australian Civil and Administrative Tribunal

This clause confers jurisdiction on the SACAT to review specified administrative decisions under this measure.

153—Views of child or young person to be heard

This clause requires a child or young person to whom proceedings relate to be given a reasonable opportunity to state their views about their care to the South Australian Civil and Administrative Tribunal.

Chapter 13—Miscellaneous

154—Hindering or obstructing a person in execution of duty

This clause creates an offence for a person to hinder or obstruct the Chief Executive, a child protection officer or any other person in the performance of a function, or exercise of a power, under the measure.

155—Payment of money to Chief Executive on behalf of child or young person

This clause enables the Chief Executive to receive money on behalf of a child and young person, and makes procedural provision in respect of such monies.

156—Restrictions on publication of certain information

This clause creates an offence for a person to publish a report of a family group conference, or of any statement made or thing done at a family group conference.

157—Protection of identity of persons who notify Department

This clause creates an offence for a person who receives a report or notification under the measure that a child or young person may be at risk to disclose the identity of the informant.

158—Confidentiality

This clause creates an offence for a person engaged or formerly engaged in the administration of measure to divulge or communicate personal information obtained (whether by that person or otherwise) in the course of official duties except in the circumstances specified.

159—Victimisation

This clause creates an offence for a person to victimise another because that other person provides, or intends to provide, information under the measure.

160—Protections, privileges and immunities

This clause clarifies the status of various privileges and immunities for the purposes of the measure. This includes vicarious liability.

161—Evidentiary provision

This clause allows the information specified to be given in legal proceedings by way of allegation in an information.

162—Service

This clause sets out how notices and documents under the measure are to be served on a person.

163—Review of Act

This clause requires the Minister to cause a review of the operation of this measure to be conducted, and a report on the review to be prepared and submitted to the Minister. The report is then to be laid before Parliament.

164—Regulations

This clause is a standard regulation-making power.

Schedule 1—Repeal of *Children's Protection Act 1993*

1—Repeal of *Children's Protection Act 1993*

This clause repeals the current *Children's Protection Act 1993*.

Debate adjourned on motion of Hon. T.J. Stephens.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:44): I move:

That this bill be now read a second time.

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

Leave granted.

Today I am introducing the South Australian Employment Tribunal (Miscellaneous) Amendment Bill 2017 (the Bill).

The Bill is required primarily to correct omissions from the *Statutes Amendment (South Australian Employment Tribunal) Act 2016* (the Amendment Act) and to support the jurisdictional expansion of the South Australian Employment Tribunal (SAET).

The Amendment Act was given Royal Assent on 8 December 2016 and remains uncommenced. The Amendment Act is currently proposed by the Government to commence on 1 July 2017.

It is intended that the Bill, if passed by Parliament, will commence immediately after the commencement of the Amendment Act.

SAET was established by the *South Australian Employment Tribunal Act 2014* (the SAET Act). SAET commenced operations on 1 July 2015 with jurisdiction over workers compensation disputes under the *Return to Work Act 2014*. SAET was established on the premise that the collective industrial relations skills and experience of SAET's members and administration would in the future be utilised for resolving other employment-related disputes. The aim is that SAET will, as much as possible, be a one-stop-shop for resolving disputes between employers and employees.

On its commencement, the Amendment Act will amend the SAET Act and a number of other Acts to confer additional employment-related jurisdiction on SAET in addition to its existing jurisdiction under the *Return to Work Act 2014*, namely:

- jurisdiction over dust disease matters under the *Dust Diseases Act 2005*;
- the jurisdictions of the Industrial Relations Court of South Australia and of the Industrial Relations Commission of South Australia under the *Construction Industry Long Service Leave Act 1987, Fair Work Act 1994*, *Fire and Emergency Services Act 2005*, *Industrial Referral Agreements Act 1986*, *Long Service Leave Act 1987*, *Public Sector Act 2009*, *Training and Skills Development Act 2008* and the *Work Health and Safety Act 2012*;
- the jurisdiction of the Equal Opportunity Tribunal under the *Equal Opportunity Act 1984*;
- the jurisdictions of the Teachers Appeal Board and teachers' classification review panels under the *Education Act 1972* and *Technical and Further Education Act 1975*;
- part of the jurisdiction of the Police Review Tribunal under the *Police Act 1998*;
- the jurisdiction of the Public Sector Grievance Review Commission under the *Public Sector Act 2009*;
- criminal jurisdiction in respect of summary and minor indictable offences that are currently 'industrial offences' under the *Summary Procedure Act 1921*; and
- common law civil jurisdiction in respect of contractual disputes between employer and employee and common law claims for damages under Part 5 of the *Return to Work Act 2014*.

Since the passage of the Amendment Act, a need to amend section 45 of SAET Act has arisen. In brief, the current effect of section 45 is that SAET cannot proceed to hear any matter unless a pre-hearing conference has first been held before a Presidential member. The proposed amendment of section 45 will be beneficial to parties and to SAET.

SAET proposes that, on the commencement of the Amendment Act, a SAET Commissioner or Presidential member undertaking a conciliation, mediation or arbitration (ADR) process with parties that proves to be unsuccessful would be able with the parties' consent to move immediately into a contested hearing of the matter to arrive at a binding determination of the dispute. That is, it is not anticipated that the proceedings would be adjourned for the parties to return at a later time for the contested hearing of the matter.

At this time, it is proposed that this process would mainly occur in the case of reviews under the *Public Sector Act 2009* and employment disputes currently heard in the Industrial Relations Commission under the *Fair Work Act 1994*.

As it currently stands, section 45 would not allow an unsuccessful ADR process to proceed immediately into a contested hearing, and a pre-hearing conference would first have to be held before a Presidential member. It is likely to be nearly always the case that the pre-hearing conference would not be able to be held immediately and the parties will need to return to SAET at a later time to resume the proceedings.

The Bill proposes to amend section 45 so that the requirement for a mandatory pre-hearing conference before a Presidential member of SAET will only apply in the case of proceedings under the *Return to Work Act 2014* and in any other prescribed class of proceedings. The latter would have the advantage of allowing the making of Regulations to require pre-hearing conferences under other legislative schemes as appropriate.

The amendment of section 45 will produce benefits to SAET and the community in those cases where it is appropriate to move immediately from an unsuccessful ADR process to a hearing.

The Bill makes a small number of other amendments to the *Education Act 1972*, the *Equal Opportunity Act 1984*, the *Technical and Further Education Act 1975* and the Amendment Act which were overlooked during the original drafting of the Amendment Act.

The amendment of s54(2) of the *Education Act 1972* will ensure that the President of SAET can choose to list Supplementary Panel Members for all review proceedings under that Act. This is achieved by changing the word 'Division' to 'Act' in section 54(2). New section 54 will be inserted into the Education Act on commencement of section 89 of the Amendment Act. Section 54 concerns the use of Supplementary Panel Members, should the President of SAET so determine, when SAET is to hear proceedings under the Education Act. Similar to what is currently the case, Supplementary Panel Members are appointed from panels of Education Department employees and of teachers nominated by the Australian Education Union to assist SAET in proceedings where their particular expertise may be useful. Section 54(2) has been inadvertently drafted too narrowly and does not reflect the status quo. As drafted, section 54(2) would only apply to have the President elect that Supplementary Panel Members sit in review proceedings 'under this Division', i.e. proceedings under Division 8 of Part 3 of the Education Act, which is only concerned with appeals in respect of promotional level positions. Currently, under section 45(3) of the Education Act, the Teachers Appeal Board must sit with panel members for all proceedings under the Act. Proceedings that are not included in the current drafting of section 54(2) include retrenchment, transfer and retirement decisions under sections 16 and 17, disciplinary decisions under section 26, and other review rights that might be provided for under the *Education Regulations 2012* from time to time. Currently, an appeal right is available to teachers under regulation 36 against decisions of Departmental officers acting in the course of their duties. If section 54(2) is not amended as proposed by this Bill, the President of SAET will not be able to elect to have Supplementary Panel Members sit with a SAET member to hear these other types of proceedings. This was not intended to be the result of the drafting of the Amendment Act.

A further provision in the Bill would repeal section 105 of the *Equal Opportunity Act 1984*. This currently allows the Presiding Officer of the Equal Opportunity Tribunal (EOT) to make rules regulating the practice and procedure of the Tribunal. Section 105 will be redundant when SAET assumes the EOT's jurisdiction as the EOT will then be dissolved.

The amendment of section 18A(2) of the *Technical and Further Education Act 1975* corrects an error, in that the reference to 'this section' was intended to be a reference to 'this Division'. New section 18A will be inserted into the Technical and Further Education Act on commencement of section 139 of the Amendment Act. As is currently the case under section 17A of the Technical and Further Education Act in respect of the powers of the Teachers Appeal Board, section 18A was intended to have the effect that on the hearing of a review concerning the termination, retrenchment, transfer or retirement of a TAFE officer, SAET may revoke the relevant decision and reinstate the officer. To have the effect intended, section 18A(2) must be amended to replace the words 'this section' with 'this Division' so that the relevant phrase reads '… proceedings for the review of a determination or decision that has taken effect under this Division …'. Division here means Division 2 of Part 3 of the TAFE Act which contains, in sections 15A, 16 and 17, the relevant provisions to terminate, retrench, transfer or retire an officer. If section 18A(2) is not amended as intended by this Bill, SAET will not have the power to reinstate a TAFE officer should it revoke a decision on review. This was not intended to be the result of the drafting of the Amendment Act.

The amendment of section 100(7)(b) of the Amendment Act reflects the intention that SAET be able to adopt any findings or determinations of the EOT in proceedings commenced prior to the commencement of the Amendment Act and that are transferred to SAET on commencement of the Amendment Act as part-heard proceedings. To achieve this intention, the second instance of the word 'Tribunal' ought to instead be 'SAET', as 'Tribunal' is defined by section 100(1) to mean the EOT. This amendment is required to resolve a typographical error.

The amendment of section 142(2) of the Amendment Act is required to reflect the intention that the appointment of a person as a member of the Teachers Appeal Board (not 'the Tribunal', which is a reference to SAET) is terminated on the commencement of that subsection. The original intent of section 142(2) was that, on the commencement of that provision, the Teachers Appeal Board would be dissolved and also that the appointments of a person as a member of the Teachers Appeal Board would then come to an end. To achieve the latter, the word 'Tribunal' must be amended to 'Appeal Board' as 'Tribunal' is defined in section 142(1) to mean 'the South Australian Employment Tribunal'. This amendment is also required to resolve a typographical error.

Serious consequences could result if these other amendments proposed in the Bill are not made, and would represent a change from the *status quo*. This includes that Supplementary Panel Members will not be available to sit

for the full range of review proceedings under the *Education Act 1972*; that the power in section 18A(2) of the *Technical and Further Education Act 1975* to reinstate an officer will not be able to be exercised as broadly as intended; and that the appointments of members of SAET may be at risk.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *South Australian Employment Tribunal Act 2014*

4—Amendment of section 45—Pre-hearing conferences

This clause amends section 45 to provide that the requirement to conduct pre-hearing conferences applies to proceedings under the *Return to Work Act 2014* and other proceedings prescribed by regulation.

Schedule 1—Related amendments

Part 1—Amendment of *Education Act 1972*

1—Amendment of section 54—Appointment and selection of supplementary panel members for reviews

This clause amends section 54 of the principal Act to substitute a reference to 'Division' with a reference to 'Act'.

Part 2—Amendment of *Equal Opportunity Act 1984*

2—Repeal of section 105

This clause deletes section 105 of the principal Act.

Part 3—Amendment of *Technical and Further Education Act 1975*

3—Amendment of section 18A—Review by SAET

This clause substitutes a reference to 'section' with a reference to 'Division'.

Part 4—Amendment of *Statutes Amendment (South Australian Employment Tribunal) Act 2016*

4—Amendment of section 100—Transitional provision

This clause substitutes a reference to the Tribunal with a reference to SAET.

5—Amendment of section 142—Transitional provision

This clause substitutes a reference to 'Tribunal' with a reference to 'Appeal Board'.

Debate adjourned on motion of Hon. T.J. Stephens.

ANZAC DAY COMMEMORATION (VETERANS' ADVISORY COUNCIL) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:45): I move:

That this bill be now read a second time.

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

Leave granted.

In July 2014 Premier Weatherill announced that every government board and committee would be abolished unless it could demonstrate that it had an essential purpose. The scope of this review included 429 government boards and committees.

The review recommended that the Veterans' Advisory Council be retained. The review further determined that the functions of the ANZAC Day Commemoration Council are to transfer to the Veterans' Advisory Council, its appointment process simplified, and responsibility will transfer to the Minister for Veterans' Affairs.

Following the passing of the *Statutes Amendments (Boards and Committees–Abolition and Reform) Act 2015* in August 2015, responsibility for the ANZAC Day Commemoration Council was transferred to the Minister for Veterans' Affairs.

The ANZAC Day Commemoration Council has two functions:

- to keep and administer the Anzac Day Commemoration Fund; &
- to carry out such other functions as may be assigned to the Council by the Minister.

The functions relating to the Fund will transfer to the Minister for Veterans' Affairs. Each application made to the Minister for a payment out of the Fund must be referred to the Veterans' Advisory Council for its consideration. The Veterans' Advisory Council will make recommendations to the Minister in relation to such applications as the Council thinks fit.

The Veterans' Advisory Council, so ably Chaired by Air Vice Marshal Brent Espeland AM (Retd) will continue to promote the wellbeing of the South Australian ex-service community, promote co-operation across ex-service organisations in South Australia and monitor and provide advice to the State Government about matters that concern the veteran community with a particular focus on contemporary veterans.

It is intended to enact the transfer of the functions of the ANZAC Day Commemoration Council to the Veterans' Advisory Council and the Minister for Veterans' Affairs with effect from 1 July 2017 to align with the expiry dates of the majority of current ANZAC Day Commemoration Council members.

I commend the Bill to honourable members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *ANZAC Day Commemoration Act 2005*

4—Amendment of section 3—Interpretation

This clause deletes the current definition of *Council* and substitutes a definition of the Veterans' Advisory Council.

5—Repeal of Part 2

This clause repeals Part 2 (which formerly established the Anzac Day Commemoration Council).

6—Amendment of section 15—Establishment of Fund

7—Amendment of section 16—Application of Fund

Clauses 6 and 7 transfer functions relating to the Fund from the Anzac Day Commemoration Council to the Minister but require consultation with the Veterans' Advisory Council.

8—Repeal of section 17

This clause repeals section 17 as it is no longer necessary.

Debate adjourned on motion of Hon. T.J. Stephens.

At 15:48 the council adjourned until Tuesday 9 May 2017 at 14:15.