LEGISLATIVE COUNCIL

Tuesday, 9 May 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 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.

Bills

EMERGENCY MANAGEMENT (ELECTRICITY SUPPLY EMERGENCIES) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

ROAD TRAFFIC (ROADWORKS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (REGISTERED RELATIONSHIPS) BILL

Assent

His Excellency the Governor assented to the bill.

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

Assent

His Excellency the Governor assented to the bill.

Condolence

MILLHOUSE, HON. R.R.

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) (14:20): By leave, I move:

That the Legislative Council expresses its deep regret at the death of the Hon. Robin Rhodes Millhouse QC RFD LLB, former minister of the Crown, member of the House of Assembly and Supreme Court judge, and places on record its appreciation of his distinguished public service.

I think all would agree that the Hon. Robin Millhouse lived a distinguished and very colourful life. Throughout his long career of serving the people of South Australia in various ways, he became known for many things. He was noted for certain eccentric habits, least of all commuting to and from the Supreme Court by bicycle in often very unconventional clothing—much like the Hon. Mark Parnell in this chamber.

In causing a spectacle, he was not a shy person. When it came to just about everything that he did, from his political activities as a progressive voice within the Liberal and Country League, as a founder of the Liberal movement alongside Steele Hall, and later as the first elected member of the Australian Democrats, right down to his much spoken about propensity for nudism—which he expressed in a number of ways and which may also be a trait he shares with the Hon. Mark Parnell, but I would not know—Robin Millhouse was unashamedly himself.

His eccentric habits and his political activities are related by the common thread of the way in which he handled personal and political opposition. He stood firm on the matters in which he believed and clung fiercely to his passions, without regard for the criticism that may have been directed at him, no matter by whom.

I am informed that he was famously derided as a streaker in this place for walking short distances in the hallway after a shower wearing what has been variously described as 'only a towel', 'part of a towel' or 'not at all a towel'. He bore the moral outrage that he caused with equal parts of amusement and scorn. We can be quite confident that, both in politics and in life, he found a certain value in making people uncomfortable.

In a career in public service that spanned well over half a century and reads on paper more like the life's work of at least three individuals, Robin Millhouse touched the lives of many across many nations. After a long parliamentary career and then a fairly long service on the Supreme Court of South Australia, he retired, only to take up the position of Chief Justice of the High Court of Kiribati, and a few years later, and simultaneously, the position of Chief Justice of Nauru.

He was in fact, I am informed, the only person in the world at that time to head the judiciary of two nations simultaneously, and I am not certain if a distinction like that has been matched since. It is a fairly remarkable way to spend one's working hours, to begin the day deciding matters in the High Court of Kiribati and finish the day in the same capacity in the court of Nauru. To cap it all off, he served a couple of years in the High Court of Tuvalu, finally retiring in 2015. By any measure, he had an extraordinary career and led an extraordinary life.

During his political career in South Australia, he was known to relish the discomfort that he caused people within both major parties. In the wake of his passing, it is more clear than ever that he was a very greatly loved person, cherished by his family, his many friends and all those whose lives he touched. It is a comfort to hear his children report that by the time he passed away he was ready to go. May we all be so fortunate to live a life that is such a full life and to embrace its end with grace and peacefulness. I am very confident that Robin Millhouse will be long remembered in South Australia and in other places far beyond.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I second the motion and add some comments on behalf of the opposition, although my colleagues the Hon. Rob Lucas and the Hon. Andrew McLachlan will also be adding some comments.

The Hon. Robin Millhouse QC was an esteemed member of the House of Assembly for 27 years between 1955 and 1982. Mr Millhouse represented those who resided in the inner southern suburbs during his time in the South Australian parliament and was the member for Mitcham. Incidentally, that is the area in which I currently reside.

Throughout his long and distinguished career, the Hon. Robin Millhouse QC held many important positions or portfolios within the party and the government and from 1968 to 1970 he was a minister in the Hall Liberal government. Most notably, I suppose, because of what direction his career would take after his parliamentary career, he was attorney-general as well as the minister for social welfare, Aboriginal affairs and industry. Following the 1970 election defeat, he was elected deputy leader of the Liberal Party while it was in opposition.

The Hon. Robin Millhouse was respected by all sides of politics and has been described as a reformist. During his time in parliament he campaigned on progressive social issues such as legislation for prostitution reform. He was also well known for his achievements post politics, which were as distinguished and notable as his political career.

In 1979, the Hon. Robin Millhouse was appointed as a QC. In 1982, he retired from state politics and was appointed as a judge in the Supreme Court, where he served until 1999. After this time he was appointed as Chief Justice of the High Court of Kiribati, a position he held until 2011, and was also appointed as the Chief Justice of Nauru from 2006 until 2010. As the leader of the government said, following his retirement as the Chief Justice of Kiribati he also served on the High Court of Tuvalu for just over a year between 2014 and 2015.

The Hon. Robin Millhouse had a long, enviable and distinguished career. Outside of politics and the legal profession, he also served our great country. He served in Vietnam and I believe that probably some of the comments associated with the Hon. Andrew McLachlan will be around the military contribution of the Hon. Robin Millhouse. He was also a great family man, with five children. He was married to Ann, who sadly passed away quite some time ago in 1992. In his spare time, the Hon. Robin Millhouse ran marathons—as if he had not achieved enough in his life he even found

time to run marathons. I recall some early vision where I saw him on the ABC news running a marathon.

The Leader of the Government referred to the behaviour of the Hon. Robin Millhouse, where he might have walked from the showers and things in this place, and people often talk about it although I do not think anybody in the current parliament has been wanting to follow in those footsteps. With those few words, I am happy to second the motion.

The Hon. R.I. LUCAS (14:27): I rise to pay public tribute to the many years of public service from Robin Millhouse. Unlike most other members, I had some association with Robin in my early days in the parliament in the 1970s when he was serving in the state parliament. I was variously working for David Tonkin for a period of time and also for the Liberal Party. During that particular period of the late sixties and early 1970s, which was a tumultuous time for Liberal politics in South Australia, Robin Millhouse together with Steele Hall, his colleague at the time, was at the forefront of the debate within the Liberal Party.

In looking at the record of Robin Millhouse one sees that he commenced his service, as members have acknowledged already, with what was then called the Liberal and Country League (the LCL) in South Australia, which is now the Liberal Party of Australia SA Division. He was part of the movement within the Liberal Party, originally called the Liberal Movement, together with Steele Hall and a number of others who set about, from their viewpoint, modernising or reforming the then LCL in relation in particular to the debates on electoral reform. There were other issues as well but it was principally electoral reform.

When the major movers and shakers within the Liberal Movement reunited with the LCL to form the Liberal Party in 1976, Steele Hall and others rejoined the Liberal Party but Robin Millhouse voted against the merger and then struck out on his own, together with a loyal band of followers, and established the New Liberal Movement. He had gone from the LCL to the Liberal Movement, to then the New Liberal Movement, and then soon after that he became part of the Australian Democrats. So, he variously, within the space of a short period of time, served four political parties: the Liberal and Country League, the Liberal Movement, the New Liberal Movement and then the Australian Democrats.

All through that period, as I think other members have acknowledged, he was a reformer, as he sought to reform not only within the Liberal Party but also within the state parliament. His views, together with those of Steele Hall and others, on electoral reform issues are well known and well documented, culminating—ultimately together with the Labor leader Don Dunstan in the early to mid-seventies—in the changes which occurred in South Australia in terms of our electoral laws in both the House of Assembly and the Legislative Council.

Of course, among those reforms were those we moved in the Legislative Council, for example, from regions or provinces or districts to a statewide proportional representation voting system—a bit different to the one we have now and are currently debating, but nevertheless a statewide system—which soon after that saw the election of the first non-major party member in the Legislative Council. As we have highlighted on a number of occasions, since then—since 1979—with the election of Lance Milne, no government, Labor or Liberal, in South Australia has ever controlled the numbers in the Legislative Council.

Those reforms stem from those reforms of the mid-seventies: major changes in the way the boundaries were redistributed in the House of Assembly. There were other provisions—little-known provisions. Prior to 1975 you could be young and foolish and under the age of 30 and be elected to the House of Assembly and become Premier, minister and anything else, but you could not be elected to the Legislative Council. Prior to 1975 there was an age bar that said that members like the Hon. Kelly Vincent now and indeed like myself, when I was elected, shortly after that in 1982, were constitutionally ineligible to be elected to the Legislative Council because we would not have been deemed to be old enough, wise enough or mature enough to sit in the state upper house to opine on the views of those in another chamber.

There were, of course, much more widely known and documented changes in relation to the universal franchise, in terms of whether or not you were a landowner and those sorts of things, which came about as part of those reforms of the sixties and ultimately the early to mid-seventies. Robin

Millhouse, together with Steele Hall and others—it was not just the two of them—and ultimately Don Dunstan need to accept the credit for some of those significant changes in terms of electoral reform.

Soon after that—I am not sure whether he was campaigning on this whilst he was within the LCL, but certainly the media reports refer to his commencing the campaign in relation to disclosure of political donations, reforms in those particular areas which now, decades later, we have seen in their latest incarnation as the public funding-related changes that both major parties or the parliament agreed to two or three years ago which will operate for the first time in an election environment in this period leading up to March 2018.

Robin Millhouse was, in those very early days, campaigning for early disclosures. When he was parliamentary leader of the New Liberal Movement and the Australian Democrats he said he would not accept a donation of greater than $500 unless the donor was prepared to have their name publicly revealed—if someone asked, he said. There was a caveat at the end. He did say 'if someone asked' he would reveal the names of the particular donors.

I am struck by the fact that, as he matured, or moved on perhaps, from a major party representative to being a minor party representative, the public stances of the Hon. Robin Millhouse during that period perhaps were an early role model for some of the latter-day Independents and minor parties that we have seen. I refer in particular to being perhaps a role model for the Hon. Nick Xenophon and possibly even for the Australian Greens on occasion. He railed publicly and in the house against perks for MPs: they were paid too much and had too many benefits. He complained about electoral allowances and travel allowances being introduced for members of parliament, and that the cost of food in the parliamentary dining room was too cheap. So, he made a public cause, a very popular public cause one suspects, of complaining about MPs' perks and salaries.

I recall during that period that, whenever there was an MPs' pay rise, Mr Millhouse would publicly issue a statement saying he would refuse to accept the increase that was being paid. When it was pointed out that there was no way for him to opt out, he then indicated that he would be donating all of his salary increase to a worthy charity. Subsequently, it transpired that, generally, that lasted for about 12 months and then he happily accepted the increase and moved on, until the next MP's pay rise was publicly announced. As a leader of a minor party, as he was with the New Liberal Movement and then Australian Democrats, he knew the value of populism and he knew the issues that were of particular political value in terms of putting public positions on MPs' perks, salaries and pay rises.

As some other members have referred to, he did have some eccentricities in relation to his public, political and personal behaviour, not all of which bear repeating in the state Legislative Council. Some were legendary. It was well known, when he was leader of the New Liberal Movement and then the Australian Democrats, that on most Wednesdays Mr Millhouse would come into the House of Assembly during the middle of question time, in front of the media would bow deeply to the Speaker, would be marked off as present on the House of Assembly roster and would then disappear for the rest of the day down to his duties as the lieutenant colonel, a commander of the Adelaide Universities Regiment at the Torrens Parade Ground. Most of the stories indicate that he continued that role and service through a significant period of his parliamentary life, but he always made sure that he was marked off as present in the parliament during that particular period.

As other members have attested to or hinted at, he did not necessarily have a great affection for always having to wear clothes. He nuded it up on a number of occasions. I think he become more open about that after he left his parliamentary career and commenced his judicial career. Certainly in those days of the 1960s and 1970s there were limited sleeping quarters available in Parliament House, in particular for country members, up on the second floor on the House of Assembly side, for those members.

I think the story to which the Hon. Mr Ridgway refers, where there was a public spat, which was reported at the time, between Heini Becker, a Liberal member, and Robin Millhouse—the stories were quite legendary—of Robin Millhouse proudly walking, in all his glory, from his office to the men's shower at the end of the corridor and back again because he knew it would irritate a number of the other members at that particular time on the second floor.

In more recent years there have been any number of people who have mentioned to me and to others how he used to continue that practice of nuding it up in his judicial chambers, so much so that, on occasions when some people visited or knocked on the door, those visitors needed to try to work out where they were meant to look as they conducted a conversation with judge Millhouse in his room before a particular hearing.

To conclude, my contribution is that Robin Millhouse was elected at a very young age to the parliament. He was a reformer from the word go. He was unconcerned in many areas about what other people thought of him. For the benefit of what used to be Family First, now Australian Conservatives, I mention that he was a strong believer in the hereafter. As he said, he prayed both morning and night, attended church religiously every Sunday and retained that belief, or so we are led to believe, through his post-parliamentary career years as well.

He had some eccentric behaviours. As I said, he also took on the behaviours that many Independents and minor parties take on to ensure both public attention and populism with regard to their stances on particular issues, but then went on to the judicial career that the Hon. Mr Maher and the Hon. Mr Ridgway have highlighted, for many years post his parliamentary life. For all those reasons we thank him in terms of his public service, firstly to the various political parties, but in particular my own political party, the then LCL and the now Liberal Party, which he served for many years before he struck out into the minor parties.

For his public service to the people of South Australia in terms of the reforms that he fought for and in many respects achieved through the parliament, we thank him. Also for his long judicial career, both in Australia and in other places, we thank him. To those remaining—family, friends and acquaintances of Robin Millhouse—we pass on our condolences.

The Hon. M.C. PARNELL (14:41): I also rise to support the motion. Robin Millhouse entered parliament before I was born, and he had retired from parliament by the time my wife Penny and I came to South Australia in the late 1980s. So, my memory of him was as a judge and, most importantly, as a judge who rode a bike. I recall, in the early 1990s, a new booklet was being published called *Cycling and the Law*, which, as its name implies, was a guide to cyclists and motorists about their legal obligations on the road.

The logical choice for a person to launch this booklet was His Honour Justice Robin Millhouse. After all, he knew a thing or two about the law and he rode a bike, so he was the perfect choice. In fact, it was also around this time that he created some furore by asking the courts administrators for a new bicycle in lieu of a new car as part of his judge's remuneration package. It made the papers and it was a matter of some controversy. I think it is probably fair to say that at the front bar or at the barbecue or around the water cooler, Robin Millhouse's gesture seemed like a no-brainer, as the cost to taxpayers of a bicycle would have been a fraction of the cost of a big white car.

However, it was refused as it was outside the guidelines, but more likely it was refused because it was seen to diminish the status of his high office, and it would have embarrassed his fellow judges, for whom driving a big car was the most appropriate transport, given their importance or at least their self-importance. In the alternative, he asked if he could lend his court-issued car to someone else who needed it more than he did, which, of course, was refused as well. As far as I know, His Honour Justice Robin Millhouse continued to ride his bike to court for work each day. Robin Millhouse certainly had the ability to name pompous attitudes when he saw them.

Back to the launch of the *Cycling and the Law* booklet: I remember talking with Robin outside the Supreme Court whilst we were waiting for the media to turn up. For me, this was incredibly exciting. He was a lawyer, a former attorney-general, a former member of parliament and a serving Supreme Court judge who shared my passion for not only the law but also running and cycling. As a young lawyer, getting to talk to a running, cycling Supreme Court judge outside the formality of the courthouse was a rare thing, so I took the opportunity to chew his ear about a legal cycling dilemma that was troubling me.

This dilemma was: in a situation where a cyclist comes up to an intersection with traffic lights, but the metal-detecting loop under the road surface is not sensitive enough to detect a bicycle so that the light remains red and will not change to green until a bigger metal object, such as a car,

comes along to trigger the lights, what do you do? This is mostly a problem when car traffic is light and especially at night-time. The metal detecting loops often do not detect cyclists. My question for Justice Millhouse was: is it OK for a cyclist to disobey the traffic light and cross the intersection against a red light if it is clear that their presence has not been detected? It is almost like a third-year law exam: when is it OK to break the law?

When it came time for the judge to make his speech, launching the *Cycling and the Law* handbook, he started by saying how the law was still very unfair to cyclists. He used as his case study my problem of unresponsive traffic lights. He prefaced his remarks with the words, 'I make no admissions but'. He then went on to bemoan the state of cycling infrastructure in South Australia, and he more or less admitted that he too had crossed against a red light when the traffic signals were unresponsive to his bicycle.

Unfortunately, I do not think any media turned up that day, so the headline, 'Law-breaking judge's cycle of crime', never quite made it to the pages of *The Advertiser*. I think the only people impressed were the handful of cyclists who were listening to him outside the Supreme Court that day. By way of a postscript, and with the Minister for Road Safety present, I notice that the state government's website on cycling laws still has the following advice:

> Position your bicycle in the middle of the lane—preferably on the centre wire which is the most sensitive part of the detector—

and this is the important bit—

> and remain there until the green signal appears.

Whilst he made no admissions, I have no doubt that Robin Millhouse would not have remained until the green signal appeared. If the technique advised did not work, he would have crossed against the red light, which I think is a good metaphor for his political career as well. When I say his political career, I am not just talking about his initiatives to decriminalise prostitution, although that is a good segue as well.

We know and we have heard that Robin Millhouse was in a number of political parties over his long career: the Liberal and Country League, the Liberal Movement, the New Liberal Movement and, finally, the Australian Democrats. Sadly, this list did not include The Greens. However, I was delighted to read a few years ago, in a piece that Rex Jory wrote for *The Advertiser*, that Robin Millhouse said:

> I voted for the Greens at the last federal election. I could never vote for the Liberals again and I could not vote for Labor.

On behalf of the Greens, I would like to add my thanks for the service that Robin Millhouse gave to South Australia and to offer my condolences to his family.

The Hon. A.L. McLACHLAN (14:47): I rise to support the motion. I wish to record my sadness at the passing of the Hon. Robin Millhouse RFD QC. Our paths crossed on many occasions, even late last year at the St Mark's College parent dinner, where he was supporting his granddaughter. He was his usual sprightly and fit self and still with a keen interest in the politics of the day.

I think it was our shared interest in the law and Army life that caused us to regularly meet on our respective travels on the road of life, or perhaps it was because we were shaped by so many of these same institutions. He rendered distinguished service in the Citizen Military Forces. I understand he even had a visit to Vietnam. He had a very long association with the Adelaide Universities Regiment. The Army was one of the great loves of his life outside of politics and, of course, his family.

He was the most courteous of judges, certainly when I used to appear before him. He always had a very strong belief in the principles of the Enlightenment. In fact, it is instructive, if you revisit his dissertation on liberalism, there are some dramatic quotes that stand out. He wrote:

> To Liberals, the importance of mankind lies in the importance of every single human being, and not in the State or in a power structure.

He goes on to say:

Liberalism believes that sovereignty lies in the people. The sovereignty is expressed through a Parliamentary system in which elected representatives of the people are free to act upon their own convictions, which have previously been expressed and accepted by the majority of electors.

In the political sphere, Liberalism upholds:

- an independent judiciary
- the control of the executive by Parliament
- the utmost possible decentralisation of Government
- an election system which maintains majority rule and regularly-held elections.

He wrote that many years ago, and yet we are still debating many of the principles today. He was a man of great faith of the Anglican conviction. His labours having been done and his journey at an end, he now has a new guide to lead him. I thank him for his service and my thoughts are with his family.

The PRESIDENT: I will now ask all honourable members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:50 to 15:08.

Parliamentary Procedure

SITTINGS AND BUSINESS

The PRESIDENT (15:08): I would like to acknowledge that I have been advised that there is a new party, the Australian Conservatives. Welcome. You will all be happy to know that the President's chair was blessed by two swamis and a guru since our last session. They have told me that you can expect even greater wisdom than you have had until now.

PAPERS

The following papers were laid on the table:

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

Determination of the Remuneration Tribunal No. 2 of 2017—Manager Family Violence List Allowance—Magistrates

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

Reports, 2015-16—
Adelaide Hills Winery Industry Fund
Apiary Industry Fund—General
Barossa Wine Industry Fund
Cattle Industry Fund
Citrus Growers Fund
Clare Valley Wine Industry Fund
Deer Industry Fund
Eyre Peninsula Grain Growers Rail Fund
Grain Industry Fund
Grain Industry Research and Development Fund
Langhorne Creek Wine Industry Fund
McLaren Vale Wine Industry Fund
Pig Industry Fund
Riverland Wine Industry Fund
Sheep Industry Fund—Contributions
South Australian Grape Growers Industry Fund

Regulations under the following Acts—
Dog and Cat Management Act 1995—General

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

Murray-Darling Basin Authority—General—Report 2015-16

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

Regulations under the following Acts—
Passenger Transport Act 1994—Point to Point Transport Services.
Rail Safety National Law (South Australia) Act 2012—Fatigue.
Security and Investigation Industry Act 1995—Classes of Offenses
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Civil—Amendment No. 16

Ministerial Statement

LOY YANG POWER STATION

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) (15:10): I table a copy of a ministerial statement relating to the Loy Yang power station made earlier today in another place by my colleague the Treasurer.

ROYAL ADELAIDE HOSPITAL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:10): I table a copy of a ministerial statement, entitled New Royal Adelaide Hospital Opening, made earlier today in another place by my colleague the Minister for Health.

OAKDEN MENTAL HEALTH FACILITY

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:10): I table a copy of a ministerial statement, entitled Oakden Older Persons Facility Update, made earlier today in another place by my colleague the Minister for Mental Health and Substance Abuse.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

AUTOMOTIVE TRANSFORMATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:14): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a series of questions about automotive transformation.

Leave granted.

The Hon. D.W. RIDGWAY: On Monday 8 May, the federal government announced it would establish a $100 million manufacturing fund to assist automotive manufacturers and suppliers diversify, grow and develop new products. Out of the fund some $47.5 million will be advanced to top up the manufacturing growth fund, a $155 million program to which the state government and ministers responsible have contributed less than 8 per cent. South Australia is also set to benefit from $10 million for innovation labs, with a further $5 million allocated to enhance manufacturing skills through student research. My questions to the minister are:

1. How can the minister justify his criticism of the federal government program when he has continued to underspend his own automotive transformation program over the last three years?

2. How much of the $21 million allocated for the automotive transformation programs this financial year has been spent?

3. Will the minister increase expenditure for Holden workers and automotive supply chain workers in the next budget, given that there are less than six months until the closure of Holden?

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) (15:15): I thank the honourable member for his questions and for his somewhat interest in automotive manufacturing. I do find it extraordinary that he has asked a question about the Liberals' attitude towards supporting automotive manufacturing. Let's go through a few things—

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I'll go through a few things. I think it is exceptionally important that we understand a few facts here. Let's be very clear, the reason, at the end of October, that we are going to stop manufacturing cars in South Australia is an ideological bent from the federal Liberal Party. There is no other reason. Just over three years ago, the federal Liberals dared Holden to leave this country. The very next day Holden announced they were leaving. It was an ideology that they don't want to support industry.

There is a lie that is perpetrated by the other side, that somehow we didn't make cars well, and we didn't make cars efficiently. That is just not the case at all. We are, at the moment, one of 13 countries in the world that can make a car from sketchpad to showroom. We have the capabilities to make a car from the very design of the car through to rolling off the assembly line and selling it. At the end of October, thanks to the Hon. David Ridgway's mates in Canberra, there will only be 12 countries.

What makes this even worse, what adds injury to the insult of this, is when the federal Liberals chased auto manufacturing out of this country there was an Automotive Transformation Scheme. That scheme has almost $800 million in it. What could be done is that that money could be spent in South Australia and Victoria, helping industries that will replace auto, helping auto companies diversify. But no, what we see is a dud deal yesterday, the dud deal that the Hon. David Ridgway refers to, of about $100 million, just a fraction of the amount that is being planned to pocket in savings that ought to have gone to support the auto industry being put back into various things.

We don't even know how much of these funds will go to South Australia or Victoria. What we do know is that after Holden announced that they were going to finish manufacturing, after being chased out by the federal Liberal government, the South Australian government announced a $60 million plan, Our Jobs Plan, to support workers, to support auto supply companies and to support industries. We are very proud that we did this. We will work with the federal government. We will help them make the best use of any money that they will put forward, but we repeat our request that they free up the entire amount from the ATS.

In terms of the money we have to support the auto industry, we have Our Automotive Supplier Diversification Program that assists companies, those 74 tier 1 and tier 2 supply chain companies, to diversify. That is on track to be completely expended. As we have talked about in this chamber before, we took advice and we didn't get all of the money out of the door at the very start of the program.

Two years ago, about 80 per cent of those 74 tier 1 and tier 2 supply chain companies reported that they did not have an ability or an ambition to diversify. Now we are seeing, a few months ago as well, over half—and that figure has risen even more—of companies that are already starting to diversify in industries such as medical devices, food manufacturing, food packaging, mining, defence, and a whole range of other companies, and we are proud to support those companies.

We are on track, and I am absolutely certain that by the time we get to October we will have spent all the money—I think it is about $11.65 million—in the Automotive Supplier Diversification

Program fund, because we stand by the auto industry. We would have preferred that the federal government continue to support the auto industry. Their ideology meant that they did not want to. They chased the industry out. We will stand by workers, and we will stand by the companies.

AUTOMOTIVE TRANSFORMATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:20): Supplementary: it is a shame that the minister did not actually answer my question. How much of the $21 million allocated for the automotive transformation program in this financial year has been spent? We are now only about 50 days from the end of the financial year. How much of the $21 million has been spent?

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) (15:20): As I said, according to the latest reports I have from the Automotive Supplier Diversification Program, it will all be spent. That is the latest forecast that I have.

AUTOMOTIVE TRANSFORMATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:20): Supplementary: how much have you spent now? We are not talking about October. How much have you spent now of the $21 million?

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) (15:20): I do not have the exact figures. I am happy to take it on notice, but the latest meeting I had about this was that we were on track to spend all the money in the Automotive Supplier Diversification Program by October. It is just as well that we had the foresight not to listen to this mob and try to spend all the money at the early stage when companies were not ready for it, as it seems they might have done. I have to say, here is part of the hypocrisy here. We regularly hear members saying that we have done too much, that we should not have been that generous in terms of our support for auto. We will not apologise for that. We are a Labor government; that is what we do.

CORRECTIONAL SERVICES INDUSTRIAL DISPUTE

The Hon. T.J. STEPHENS (15:21): My question is to the Minister for Correctional Services. Minister, what involvement have you or your office had in the ongoing dispute between the Public Service Association and the Department for Correctional Services in regard to South Australian prisons? Have you personally met with representatives of the PSA over the issues in our prisons at the moment?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:21): I thank the honourable member for his question. I am advised from time to time of various industrial disputes that happen within the Department for Correctional Services. Naturally, the Department for Correctional Services, and all the staff that work within it, work in an often dangerous and complex environment with a large degree of risk associated with it. I think that leads to the fact that a very high volume, a very high percentage, of workers within the correctional services system, particularly those working in operational capacities on the front line, are members of the Public Service Association. As the Public Service Association reasonably should, they perform an important task in passionately advocating the interests of their members, particularly regarding matters that pertain to issues around occupational health and safety.

It is unfortunate, but nevertheless a reality, that from time to time disputes arise between representatives of employees at various prison sites around the state and the Department for Correctional Services. When those disputes unfold, it often results in action being taken in various tribunals or commissions, as is provided for under the relevant industrial relations laws of the state.

When disputes occur that have an impact on the operational functions within the correctional services system, it is my expectation that my office should be advised of that. That has occurred on recent occasions. The most recent one that I believe received media attention, or was noteworthy, was at the Mobilong Prison. Naturally, at a basic level, my office keeps abreast of those issues as

they arise. Where industrial disputes occur that are operational, that is essentially for the department to resolve in their discussions through normal industrial forums, including official disputation forums within the commission.

When disputes occur between the department and its employees that relate to a particular policy measure or something that the government has made a decision about, that is naturally something that is of greater concern to me and would be the sort of area where I would be paying greater attention.

At a basic level, in answer to the honourable member's question, I have been advised of recent disputes that have occurred that have essentially been around operational issues and have not required ministerial intervention. As such, there have not been any recent meetings between myself and the Public Service Association regarding those disputes.

EQUAL OPPORTUNITY COMMISSION

The Hon. S.G. WADE (15:24): I seek leave to make a brief explanation before asking the Minister for Police a question about the Equal Opportunity Commission.

Leave granted.

The Hon. S.G. WADE: In December last year, the Equal Opportunity Commission completed an independent review into sex discrimination, sexual harassment and predatory behaviour within SA Police. One of the key findings of the report was that women felt discriminated against when they were pregnant and when seeking to return to work after pregnancy. Many female police officers felt that they had to choose between being a parent and a rewarding career, often having to give up rank, pay and previously held specialised roles in order to have their requests for part-time work accommodated on their return from maternity leave.

My question to the minister is: as SAPOL pursues its fifty-fifty gender recruitment strategy, how does SAPOL intend to address the Equal Opportunity Commission's report in order to both retain female staff and to reflect community values and diversity?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): Again, I thank the honourable member for his question. This is an important area that the police commissioner himself has established a report into. I think it is well known that for some time SAPOL has been an organisation that has predominantly employed men. I think it is extremely commendable that the police commissioner has been proactive in trying to ensure that our police force, in every respect, adequately reflects the community it serves.

I have spoken in this place before about the number of public policy benefits that are associated with having a police force that represents the diversity of the community it serves. That is particularly true in respect to gender and that is why this government applauds the action of the police commissioner and has been working proactively with the police commissioner to facilitate him in having a fifty-fifty recruitment target and strategy existing with SA Police. I have to say that it has been fantastic to see that policy unfold before my own eyes. I regularly attend police graduation ceremonies and it is clearly self-evident, if one has gone to a graduation ceremony at SAPOL recently, that there is an ever-increasing number of women represented as recruits. This will be particularly put on show as the Recruit 313 target is realised by SAPOL and the government over coming months.

As part of the government and SAPOL's desire to ensure that women are attracted to not just apply to work in the police force but also to continue to serve in the police force, the police commissioner took it upon himself in April last year to ask the Equal Opportunity Commission to conduct a review of South Australian police to get a clearer picture of the extent of sex discrimination, sexual harassment and predatory behaviour within the police force. That review was handed down approximately six months later in December of last year.

I think it is utterly commendable that SAPOL decided to act proactively and took it upon themselves to initiate this review. It was not what we have seen in other instances. I can think of the Australian Defence Force, for instance, where reviews have been called as a response to information

coming to light. This exercise was undertaken under the initiation of SAPOL to have a thorough look at what was occurring. There were 38 recommendations out of the initial report handed down in December last year, aimed at strengthening SAPOL's workplace culture and, indeed, promoting gender diversity. Since that time, recommendations are being addressed in an attempt to prioritise the urgency of response, depending on the particular recommendation.

The commissioner has established an internal project team to manage the implementation of the recommendations and that is being headed by Assistant Commissioner Bryan Fahy. Assistant Commissioner Fahy is a distinguished police officer who has served South Australia for many years and brings to that role a seniority that is consistent with the importance of addressing the recommendations that were made as a result of the review. Some of those recommendations are already being implemented.

There have been some immediate actions. I am happy to touch on three immediate actions. One was to publish a statement endorsed by all members of the executive that acknowledges that sexual harassment and sex discrimination is unacceptable, and apologises for the significant distress caused to victims and bystanders. That, of course, has been completed.

Another one was to establish a restorative engagement project, and SAPOL has commissioned and funded this to run and manage the process, and also establish a new externally provided safe space, and this action has now been completed as well. So, SAPOL is in the process of implementing those recommendations quickly; that is as appropriate. It is also implementing other recommendations through the program or the unit that is being led by Assistant Commissioner Bryan Fahy.

Regarding retention policies for women generally, naturally I am in regular conversation with the Police Association of South Australia, which does an outstanding job in advocating the interests of all its members, including female members and members to be. If the Police Association of South Australia or other interested bodies have views about things that can be done to continue to improve the accessibility and attractiveness of working at SAPOL, then that is something that will always be of interest to the government.

Principally, we think that the police commissioner and SAPOL generally are on the right track to ensuring that this important strategic objective, of having a large number of women working in the South Australian police force, is realised.

EQUAL OPPORTUNITY COMMISSION

The Hon. S.G. WADE (15:31): Supplementary question: I thank the minister for his updates. I presume that he does not have the information on implementation of the recommendations with respect to maternity leave: would he mind taking that on notice and giving the house an update?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:31): I am more than happy to do that.

CUBESAT

The Hon. G.E. GAGO (15:31): My question is to the Minister for Science and Information Economy. Can the minister please update the chamber on the recent launch of a satellite from Cape Canaveral that was part funded by our state government?

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) (15:31): I thank the honourable member for her question and her ongoing interest and contribution to the science sector in our state. Back in 2012, the South Australian government awarded $300,000 toward the development of a CubeSat, a satellite that is about the size of a loaf of bread—no bigger than a big block—from the Premier's Research and Industry Fund. I suspect the honourable member may have been involved at the time this grant was awarded.

The satellite is one of 50 climate science CubeSats built by research bodies around the world through a collaborative project called QB50, which will carry out atmospheric research in the lower

thermosphere, approximately 200 to 380 kilometres directly above the earth. The thermosphere is the least explored layer of the atmosphere, so this is incredibly important research that is likely to yield new insights into climate change, and it is a testament to the quality of our universities in South Australia that we have been able to be involved in this project.

Dr Matthew Tetlow, a scientist at the University of Adelaide, worked with a group of more than 40 undergraduate students from the University of Adelaide and the University of South Australia to build the satellite, which includes two small measuring devices for atmospheric measurements and for their communications, in addition to the QB50 climate modelling payload.

In the early hours of Wednesday 19 April, some of these students gathered with Dr Tetlow to watch as their CubeSat was launched into space from Cape Canaveral Air Force station in Florida aboard an Atlas V rocket from NASA's launch pad. Thankfully, after having been delayed due to technical problems with the rocket over the past few months, the launch was successful and the satellites are now on board the international space station.

Twenty-eight of the CubeSats will be deployed from the space station, including the satellite made right here in Adelaide by our university undergraduates. Once launched, data will be collected from this satellite up to three times a day through the University of South Australia's Institute for Telecommunications ground station at Mawson Lakes.

The success of the manufacture and launch of this satellite is something of which we can be very proud. Australia has a proud history in the space area. Our first satellite was launched in 1967, right here in South Australia at the Woomera test range, at the time making Australia the seventh nation to have an earth satellite launched and only the third nation to launch a satellite from its own territory in 1967, after the Soviet Union and the US.

The ability to build a functioning satellite is considered a mark of an advanced nation, but Australia has not built one for some 15 years, with the last functioning satellite made in this country—FedSat, a 58-kilogram microsatellite—having been launched from Japan in 2002. The QB50 mission, combining the work of universities around the world, is to demonstrate the possibility of launching a network of satellites that are low cost but can perform first-class scientific exploration and testing.

Its first aim, which has largely already been achieved, is to provide affordable access to space for small-scale research space missions and planetary exploration. Its second aim is to conduct scientific research over a series of months in a part of the atmosphere which has only been explored a very small number of times.

The success of South Australia's CubeSat design and manufacture is just the beginning of what is an emerging niche industry for this state. We have seen Fleet, a new space start-up, recently announce that it has managed to raise $5 million in venture capital as it moves towards building satellites that will connect Internet of Things devices around the world. In addition, last month the state government announced it would advocate for the establishment of an Australian space agency in Canberra, with South Australia as an operational centre.

South Australia is the natural home for this, with our strong ties to defence and our existing infrastructure and industries, particularly in manufacturing. At least 60 local organisations with space-related expertise or the potential to apply current expertise to the space value chain exist in our state. In addition, in September this year, Adelaide will host the International Astronautical Congress, which is set to attract around 4,000 international and local delegates, including the world's leading space agencies, making it one of the largest conferences ever held in this city and set to inject around $20 million into the local economy.

Australian space activity currently accounts for less than 1 per cent of the global estimated $US323 billion. Focusing on how we can support growth in the space sector, including the establishment of a national agency, will further add to our research capabilities and our advanced manufacturing in this state.

PRISON FACILITIES

The Hon. D.G.E. HOOD (15:37): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question relating to baby units in prisons.

Leave granted.

The Hon. D.G.E. HOOD: Recently, a twice convicted drug-trafficking mother of two was resentenced to a suspended prison term on an 18-month good behaviour bond on the grounds that her original terms of imprisonment would not allow her to adequately care for her newborn children. The mother attempted to import a chemical used in the production of amphetamines, while serving a suspended sentence for drug offending.

While awaiting sentencing, she fell pregnant with her second child and subsequently argued she should not have to give birth in prison, nor be separated from her newborn, to which the court agreed. The presiding district judge, His Honour Paul Cuthbertson, described the South Australian prison system as 'undoubtedly inadequate' compared with those interstate, which cater to female inmates with babies more adequately.

Adelaide Women's Prison manager, Darian Shephard-Bayly, explained that baby units were discontinued due to concerns about the service's quality. There have been calls to re-establish similar units. My questions to the minister are:

1. Can the minister explain the existing policies dealing with women who are sentenced to a term of imprisonment and have newborn children, are pregnant or both?

2. Is the government considering introducing facilities that can allow women to provide adequate care for their children whilst incarcerated?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:38): I thank the honourable member for his questions. Of course, the issue of mothers and babies or babies and children within the Women's Prison is one that has been raised periodically during the time that I have been fortunate enough to be Minister for Correctional Services. It particularly becomes topical whenever there is a significant court case like the one the honourable member refers to.

The government understands the desire for a mothers and babies unit; however, consideration needs to be given to what is in the best interests of children, along with other infrastructure needs. The Department for Correctional Services continues to progress a range of strategies around accommodating mothers and their children that includes a mix of parenting programs, child and family reunification programs and increased visit access.

The department has recently opened 24 beds for women at the Adelaide Pre-release Centre, which provides greater opportunities to facilitate contact between mothers and their children in a community setting. Women accommodated at the Adelaide Pre-release Centre are able to have visits six days per week and, as they progress through the system and demonstrate good behaviour, can participate in other reunification programs, such as weekend stays, for appropriate low-security offenders. Every effort is made for a primary caregiver to complete their sentence in the community. However, it is ultimately a matter for the court to determine whether a custodial penalty is warranted.

The department has already increased the number of visits available for women in the Pre-release Centre and the number of visits available at the Women's Prison from five to 12 at a time, and a new visit centre incorporating a playground has recently been built at the Women's Prison. The primary caregiver status of women offenders requires consideration and service delivery to contribute to female offenders' rehabilitation and, ultimately, reductions in reoffending.

While it is the case that there are no current plans for a mothers and babies facility to be introduced to the prison system, this will be explored on an ongoing basis as part of a women offenders' framework in the future, but the department is working to progress a range of strategies to assist women in this difficult situation. In dealing with this complex policy area, the government is at pains to make it clear that our objective and the decisions we make in respect of this particular set of circumstances will always be oriented toward what is in the best interests of children.

It is true that on a regular basis this government has received representations, as have I, around how it is indeed in the interests of children to have on-site access to their mother who has been incarcerated under certain circumstances. At the moment, that can't be facilitated as a result of a lack of a mothers and babies unit. However, in comparison to other jurisdictions with which we are regularly compared in this particular area, it is worth noting that the size of the population that

would actually utilise such a facility is demonstrably smaller than in other custodial facilities around the country.

When we are talking about such a small number of women in the context of decisions around resources, it is a difficult one in some instances to stack up in comparison to the very substantial other areas of need within the prison system. This is something that will continue to be looked at in the future, no doubt, but as always, it has to be weighed up versus the other needs of the department, which are wide and varied, particularly at the moment, which have been well established and talked about in this place previously.

PRISON FACILITIES

The Hon. K.L. VINCENT (15:42): Supplementary: given that to the best of my knowledge South Australia is the only mainland state without a mothers and babies unit within prisons, does the minister concede that there must be a substantial amount of evidence that it is in the best interests of the child to be reunited with their mother while in prison? And on the issue of infrastructure—

The Hon. P. Malinauskas: Just say that again, sorry.

The Hon. K.L. VINCENT: Given that we are the only mainland state without a unit for mothers and babies in prisons, there must be a substantial amount of evidence to suggest that it is in the best interests of the child, no? That is the first part. Secondly, in terms of infrastructure, in the minister's understanding so far, what would need to be provided to make sure that such a unit was built for the best interests of a child?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:43): As I stated in my previous answer, I am aware of the fact that there are some sources which demonstrate that it is indeed in the best interests of the child, under certain situations and in certain circumstances, to have on-site access to a mother, but again, I acknowledge the fact that I am pretty sure you are right that all mainland states do have a mothers and babies unit. We are, of course, the smallest mainland state when it comes to the size of our prison population, so that puts us in a different position. It is not a simple apples for apples comparison.

In terms of how that impacts the decision we have made up until this point, to provide a greater degree of clarity, it is the department's view that it is not okay to simply set up a mothers and babies unit in a way that does not reflect the need. In other words, just to set up a room in an existing facility and say, 'This room will provide access for a child and a mother,' is not sufficient. There needs to be appropriately designed and set up facilities to make sure that the interests of the child are best accommodated, rather than just doing it in an ad hoc way within the existing facility.

So, in other words, it is a case of: if it is going to be done it needs to be done properly and that, of course, brings with it additional expense, because we know that building facilities of any nature within a custodial environment is an exceptionally expensive exercise due to the unique nature of building within a prison system.

With that in mind and the relevant cost associated, as in every other decision that has to be made within government, the relative cost has to be weighed up with the relative benefit, and in the case of South Australia the relative benefit is small in comparison to other jurisdictions as a result of the small number of people that are likely to be affected.

This is a cause that I think, on the basis of evidence, most would be sympathetic towards. I have received a number of representations regarding this issue from organisations, and I have a great degree of affection and indeed admiration there, and we will continue to work with those organisations and the department in the context of a department that has a significant amount of demand within it and has a limited amount of resources to see what ways we can potentially deliver such a program, but at the moment there are not any plans to do so. Instead, our focus is on what we can do within the existing facilities to provide better access to mothers.

PRISON FACILITIES

The Hon. K.L. VINCENT (15:46): A further supplementary: given that the minister says that work is ongoing in terms of looking at the need for a parents and babies unit, when does he expect that work to be completed?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:46): I am not able to provide a finite time line. That would be inappropriate for me to do and would amount to me making a commitment as to when we might build such a facility when there is no prospective time line. I am simply noting that there is an understanding and an acknowledgement on the legitimacy of this issue, but as it stands, I think the focus of this government is best placed on what we can do within the existing arrangements.

POLICE WORKERS COMPENSATION

The Hon. R.I. LUCAS (15:46): I direct my question to the Minister for Police. Has the minister been advised of any concern by SAPOL at the government's decision to transfer the management of all workers compensation claims after 1 July 2017 to ReturnToWorkSA and, if so, what were SAPOL's concerns? In particular has the minister been advised by SAPOL that the cost to the SAPOL budget may well be increased as a result of the government's decision?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:47): I am happy to take that on notice, but to the best of my recollection as it stands I am not aware of receiving any formal pieces of advice or formal briefs from SAPOL regarding any concern they have around changes to workers compensation arrangements in terms of case management. That is equally true regarding potential costs. However, what I am happy to refer to at a higher level is that I have spoken to the police commissioner about this issue. Naturally the police commissioner and I speak regularly on a whole range of different issues, including substantial changes to administrative processes that will impact upon SAPOL—and, of course, this is substantial change.

A number of sworn officers do find themselves subject to workers compensation claims which are currently managed internally. That arrangement changing will potentially have a significant impact on SAPOL, but the police commissioner has not raised any specific concerns with me around that in a formal sense. Naturally we have discussed what the government's policy objectives are.

There is a view within SAPOL and certainly within the SAPOL leadership that SAPOL do this job well as it currently stands, but they have not raised any specific concerns with me about any reason to believe that this change would have a fundamentally detrimental impact upon them, notwithstanding the fact that they do believe that they already perform this function well. I am happy to take on notice the question you have asked around formal advice. I cannot recall that, off the top of my head, but I am more than happy to double-check that and bring the answer back.

POLICE WORKERS COMPENSATION

The Hon. R.I. LUCAS (15:49): Given that the minister is taking the question on notice, could he also take on notice whether or not he will have received any advice as to what will happen to existing SAPOL staff who work in this particular area? That is, what are their long-term job prospects? Will they remain within SAPOL or will they need to be transitioned to other employment?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:49): I am happy to take that on notice.

WATERPROOFING EASTERN ADELAIDE PROJECT

The Hon. J.E. HANSON (15:50): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister please inform the chamber about the progress of the Waterproofing Eastern Adelaide Project?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:50): I thank the honourable member for his most important question and for his delightful enunciation. Stormwater

recycling is one of a number of actions this government has been involved in which intends to diversify our water supplies and to ensure a sustainable future for our state. Stormwater recycling is part of the bigger picture solution that, along with desalination, wastewater recycling and improved management practices, will ensure our water supplies are secure, safe and reliable for the future.

Last week, I visited the worksite for an innovative water reuse scheme in Adelaide's east, capturing stormwater for reuse in the local community. The Waterproofing Eastern Adelaide Project is now a joint project of the City of Burnside, City of Norwood, Payneham and St Peters and the Corporation of the Town of Walkerville, working under the umbrella of the Eastern Region Alliance. I think the City of Port Adelaide Enfield might even be involved in this one as well. The scheme has been supported by funding from the Adelaide and Mount Lofty Ranges Natural Resources Management Board and the Australian government's National Urban Water and Desalination Plan.

The councils that I mentioned previously are working with a leading team of hydrogeologists, civil engineers, urban designers and other experts to identify, harvest, store, filter and reuse stormwater in the eastern suburbs. Hopefully this project will not only reduce operational spending on local reserve irrigation as well as green council areas, but also enhance the quality of water that is discharged into the gulf.

Historically, stormwater has been seen—in the past, anyway—as a drainage issue, an engineering issue, drains being the critical piece of infrastructure to minimise inundation of urban areas to control flooding. The goal then was to move water through our urban landscape as quickly as possible and then out to sea. Of course we can understand what the objectives were, and the need for moving water quickly is pretty clear. We need to ensure that roads and transport are safe, we need to minimise the damage of flooding to infrastructure, and we need to keep communities and private property safe.

However, this approach has serious environmental impacts. It also does not take advantage of the water that falls in urban areas. Sophisticated stormwater management is critical for a modern urban environment—I think we would all agree on that these days—and using stormwater for activities such as agricultural irrigation, park irrigation, sports ground irrigation, as well as third-pipe supply to industrial, commercial and residential customers for use, for example, as toilet flushing, all reduces pressure on our precious drinking water supply from the River Murray and reservoirs, and also, in some locations, our groundwater systems. It also helps improve waterway and coastal water quality by removing pollutants as well as solid materials from stormwater, improves local amenity by irrigating public green spaces, during the summer period in particular, and helps flood mitigation by capturing and redirecting the water.

Managing stormwater is even more important when you consider the impact of the variable climate we may be facing due to global warming. With extreme weather scenarios often predicted to be more frequent and more severe when they do happen, we need to become better managers of floods and droughts whilst ensuring our natural water systems receive the flows they need to remain healthy as well. When rain does fall in abundance we need to be quick at capturing and storing that stormwater for later reuse. This involves clever urban water design such as we see through the Waterproofing Eastern Adelaide Project and similar projects throughout Adelaide.

Of course it also—and this is another level of difficulty—requires collaboration across levels of government. The state, local and federal governments have a need to work together with our local communities and with industry to ensure we are properly managing water in our urban environment. The Waterproofing Eastern Adelaide Project is well underway now and includes the establishment of wetlands and bio filters to help clean the water and infrastructure to inject the water to the local aquifer and then recover it when it is more needed. It also includes about 40 kilometres of distribution pipeline to carry the water from where it is stored to where it is needed. Under the scheme that we are currently talking about today, the two stormwater capture sites at Felixstow are expected to yield, I am advised, almost 500 megalitres of water per year, roughly equivalent to 200 Olympic-size swimming pools.

This, I am advised also, exceeds current demand, which is about 450 megalitres per year for irrigating parks and reserves associated with the project, but I am pretty sure that once this is established there will be a call on the project to supply water to other users and once they have got

this bedded down for their own particular council use, they will be able to flow it out to other areas of demand. I am very pleased to note that the commonwealth government and the state government have worked collectively together with the three local councils I mentioned before to fund this important initiative and to provide the east of Adelaide with this fantastic collaborative scheme that demonstrates that innovative approaches can be taken by working together to make the most of the water that we have available.

Thanks to this project, and other projects like it, I am advised that we will be now capable of harvesting around 22 gigalitres of stormwater for re-use in Adelaide. This puts us on track to achieve the SA government's long-term target of 60 gigalitres, as outlined in the South Australian government's water security target strategy, Water for Good. There are several other collaborative projects which are contributing to this target, including the Adelaide Airport Stormwater Scheme, the Adelaide Botanic Gardens First Creek Wetland Project, the Barker Inlet Stormwater Reuse Scheme, plus a range of other council-led projects, which I may have spoken on in this place previously. This is separate, of course, to the $140 million that has been contributed to the Brown Hill Keswick Creek Stormwater Management Plan for South Australia.

Internationally, South Australia's stormwater harvesting and managed aquifer recharge expertise is well recognised, so much so that we are working on potential economic opportunities to export our knowledge on this urban water management plan to places like Shandong province in China and Rajasthan in India. This government will continue to work with our local councils and the federal government to improve the way we manage our water assets now and into the future.

WASTEWATER DISCHARGE

The Hon. M.C. PARNELL (15:57): At the risk of testing the minister's voice even further, I do seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question in relation to wastewater discharge to the marine environment.

Leave granted.

The Hon. M.C. PARNELL: Last Friday, 400 metres of beachfront at Christies Beach was closed as a precautionary measure when up to six megalitres of unchlorinated water from the Christies Beach Wastewater Treatment Plant was released into Gulf St Vincent. According to SA Water, the discharged water which caused the scare had been cleaned and treated, but the lack of chlorination meant that it was not disinfected. Without disinfection, people who came into contact with the water could have experienced diarrhoea and vomiting.

It appears that the discharge was due to a fault with the plant's automated chlorination system and monitoring alarm which, according to SA Water, has now been fixed. This incident draws attention to the fact that, some 16 years after the establishment of the Adelaide Coastal Waters Study and four years after the release of the Adelaide Coastal Water Quality Improvement Plan, we still have a situation where effluent from Adelaide's metropolitan wastewater treatment plants is being discharged to the sea where concentrations of nutrients, such as nitrogen, have had a devastating impact on seagrasses and other marine life.

Over the years, diversion programs have seen some wastewater from Bolivar, Glenelg and Christies Beach wastewater treatment plants being used for parks, gardens, orchards, vegetables and vines. In the case of Christies Beach, some of the water is being diverted for urban use under the Southern Urban Reuse Scheme and for agricultural use under the Willunga Basin pipeline.

My questions of the minister are: firstly, when will Adelaide's wastewater treatment plants, in general, and the Christies Beach plant in particular, stop discharging wastewater to the marine environment? Secondly, how likely is it that the EPA's target of limiting total nitrogen discharge to the marine environment to 100 tonnes (that's from Christies Beach) will be achieved, given the expanding population in the southern suburbs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:59): I thank the honourable member for his most important questions. Most importantly, I thank the honourable person who sent me a cough lolly, anonymously.

The Hon. K.L. Vincent interjecting:

The Hon. I.K. HUNTER: She has fessed up to it. I am very grateful. It was to get me through this hard, tortuous question the Hon. Mark Parnell has forced on me.

I will give you a few facts about the Christies Beach discharge first and then I will go on to the magnificent effort of SA Water to decrease the amount of nitrogen discharged to the gulf over the previous 10 years or so and its massive investment. My understanding is the reduction of nitrogen to the gulf has been 75 per cent. That is a massive reduction in the amount of nitrogen that goes out to the gulf. I think honourable members should understand that.

I am advised that an unplanned discharge at Christies Beach Wastewater Treatment Plant resulted in the release of clean and treated but undisinfected wastewater being discharged to the ocean. I understand it was about six megalitres—about 2½ swimming pools' worth. It is understood the system fault with the plant's automated chlorination system and monitoring alarm occurred overnight on Friday 5 May. I am advised the fault was detected during routine checks on the morning of Saturday 6 May. The affected piece of equipment was immediately reset, I am advised, with additional alarms put in place. The chlorination system and plant returned to normal operation at approximately 9am on Saturday 6 May.

I further understand that testing received on Monday 8 May confirmed that water quality was not degraded by the incident. The water is and was safe for swimmers and fishers. As a matter of fact—and I think honourable members will probably agree with me—I prefer caution to otherwise not putting out an alert. Whilst you don't have all the information before you—and I agree with SA water practice here—if you are advised of this sort of situation, you should take every step to warn the public not to go into the sea water until such time as we can confirm that there is no risk of contamination.

I am advised that in this situation, there was none, but we didn't know that at that point in time and so the best practice was to put out a beach alert. I know that was inconvenient for users of Christies Beach, but my preferred course of action is to be better safe than sorry and to avoid swimming in the water until such time as we can confirm there is no danger for the public.

So, the closure of the beach in this instance was undertaken as a precautionary measure until the results were known, as is the usual practice. Although this is not something that occurs very frequently, I am also advised, and this is from memory—it is a pretty hazy memory right now but the Anticol will fix that up, I'm sure; thank you, Hon. Kelly Vincent—we haven't had a situation like this at Christies Beach for about seven years. It is an infrequent event—our maintenance schedule sees to that—but it does happen very infrequently.

Following the receipt of advice from SA Health, the beach is now open again. I apologise to honourable members who don't want to know this amount of information; they can just block their ears for this one. During the incident, all solids and organic matter from the plant continued to be treated, but the final disinfection treatment process that kills any remaining microorganisms that survive that other treatment and filtration process did not occur. I am advised that six megalitres of material was released from the plant. SA Water has implemented additional monitoring following the incident, and an investigation is now underway as to the exact cause of the incident.

A 200-metre section of the beach either side of the outlet pipe was temporarily closed to fishers and swimmers from Saturday. Affected areas were signposted. Water samples have been taken from the area and are being analysed. Initial results of faecal bacteria indicated very low levels of E. coli of one and zero for various points along the beach, 100 and 200 metres north of the diffuser, and E. coli of one and four for 100 and 200 metres south of the diffuser. Those are very low levels of E. coli. In fact, they are such levels that they can barely be monitored; nonetheless, as I say, it is best to be safe. Final results, as I said, showed very low levels of bacteria present.

The beach was reopened on Monday, following advice from SA Health. SA Health has advised that people coming into contact with undisinfected wastewater could experience gastrointestinal illness—that is, could—and that if people had come into contact with the water and developed an illness, they should contact their medical practitioner. That is always good advice.

The incident was controlled very quickly. It did not result in a potentially unsafe environment for beach users and therefore has caused, perhaps you could say, an inconvenience for people when

they need not have been inconvenienced, but we did not know or have those results at the point in time when we decided to close the beach. I do prefer to take a course of action around safety first, and I think that is the correct course of action.

In terms of the honourable member's questions about remainders of water being redirected out to the gulf, that is the situation that will continue into the foreseeable future, but you may recall announcements in recent days about the Northern Adelaide Irrigation Scheme, which seeks to take a further 20 gigalitres—that is 20 gigalitres more—of water, eventually, out of the Bolivar wastewater system. That is on top of the 11 to 19 gigalitres of water that is currently utilised through the Virginia wastewater pipeline for irrigation. In the first instance, NAIS will utilise 10 gigalitres, with the potential to ramp it up to 20 at a later stage.

SA Water has been working assiduously to deal with the nutrient levels, and my understanding is, as I have said, that there has been a 75 per cent reduction in nitrogen in the wastewater that goes out to the gulf in South Australia. That is a massive reduction in terms of nitrogen.

The Hon. J.S.L. Dawkins: Massive.

The Hon. I.K. HUNTER: It is massive. It is 75 per cent. It is even bigger than the result that the President of France got in his election over the weekend. Nonetheless, we will continue to work on that. I understand that irrigators actually prefer to have the nitrogen left in because it is useful for crops, but we take the view that if we can reduce it then the water quality going out to the gulf is improved. Even if the amount of water going out to the gulf is reduced by those extra 10 to 20 gigalitres, nonetheless that is a worthwhile thing to do and SA Water will continue to invest in the infrastructure to do just that.

DRUGS IN PRISONS

The Hon. J.S. LEE (16:06): I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about drugs in prisons.

Leave granted.

The Hon. J.S. LEE: Recent media reports have suggested that there has been a decrease in the amount of contraband entering our prisons, yet statistics released earlier this year for the financial years 2014-15 and 2015-16 show that there is an increase in the rate of positive result drug tests despite, in some cases, a decrease of drug tests in most prisons.

For example, Adelaide Pre-release Centre, Adelaide Women's Prison, Port Augusta Prison, Port Lincoln Prison and Yatala Labour Prison all increased in the number of prisoners who tested positive to drugs between 2014-15 and 2015-16. Yatala Labour Prison increased from 89 prisoners being tested positive in 2014-15 to a total of 128 in 2015-16. My questions to the minister are:

1. If less contraband is getting into our prisons, where are the drugs that are being detected coming from?

2. With a total of five South Australian prisons detecting more prisoners with drugs in their system, how does the minister intend to address this problem?

3. What measures will the government put in place to ensure a better detection of drugs in prisons and ensure that they will not enter the prison system?

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:08): I thank the honourable member for her questions. This government takes very seriously the issue of contraband in prisons generally, which is why we have undertaken a number of efforts to improve upon the capacity of the department and the front-line officers to prevent contraband coming into prisons. Presently, the government is engaged in a number of media stories regarding contraband and what the government is doing about it. Maybe I will enlighten the honourable member about some of the initiatives that the government has undertaken.

The first thing is that we have invested in, in essence, a doubling in the size of the dog squad, or PAD dogs, that serve as an incredibly useful tool and resource when it comes to the detection of

drugs within the prison system. That in itself speaks to some of the statistics that the Hon. Ms Lee refers to. Sometimes statistics—and I am sure the honourable member appreciates this—can be deceiving. What Corrections has been able to do rather successfully is to use intelligence-based methodology to inform them about how they go about using the resources they have available in terms of how best to hone them.

For instance, if they have intelligence that informs them that there might be a particular prisoner or a particular cohort of prisoners within a particular facility that are engaging in possessing contraband or using drugs, that enables them to focus their efforts and resources to detect drugs within that particular sector and, lo and behold, in percentage terms or in terms of the raw number of people being caught, it can increase. It is worth noting that during the life of this government there has been a very substantial increase, in real terms, in the number of tests and the level of scrutiny that is being applied to prisoners when it comes to trying to detect drugs within the prison system.

The government has also invested in a number of scanning systems that occur at the front end of the prison system to see if we can use those technologies to prevent contraband coming in. For instance, we have put in place an ion scan testing of visitors who attend prisoners at some facilities, in conjunction with other efforts like random searching and detection inside prisons, and also testing prisoners and administering appropriate sanctions for illicit drug use. So, the government and the department are putting in place a number of strategies to tackle the issue of contraband.

It is really important to understand that, essentially, no prison globally, or when you look at international experience, is able to completely remove contraband from its facilities. If that had occurred somewhere internationally, I would expect to know about it and then seek to implement similar policies in South Australia. I was rather naive about this, I think it's fair to say, upon initially taking up this responsibility. I sought to understand what the causes of contraband coming into the prison system were and I thought, 'Wouldn't it be fantastic if we could eradicate contraband.' However, under any objective analysis, once one applies a bit of thought to this one would realise the extraordinary difficulty of completely removing contraband.

I am advised that one way that contraband or the level of contraband could be reduced within South Australian correctional facilities would be to, essentially, ban all visits. Any interaction that occurs between prisoners and visitors or, indeed, prisoners and correctional services staff, could be minimised by essentially stopping all time out of cell; that is, having prisoners in their cells 24 hours a day, seven days a week, 365 days of the year. That would facilitate a reduction in contraband but that is not a policy that would stand the state in good stead when it comes to our objective of trying to reduce the rate of reoffending. Having people in cells 24 hours a day is contrary to their interests and our interests around rehabilitating them.

This is a difficult policy area and it is one that we are putting a lot of effort into. Technology continues to provide ways and mechanisms to improve the reduction of contraband within the prison system. They are the sort of policies that we seek to employ and also providing the department with the policies and the resources that they need to be able to get the job done, and that has resulted in some positive key performance indicators when it comes to contraband within our prison system.

WASTEWATER DISCHARGE

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:13): I seek the leave of the council to correct the record. In my last answer, I gave the council some misleading information. In my answer to the Hon. Mr Parnell I told him that the amount of nitrogen that has been reduced and discharged to the gulf from SA Water plants is 75 per cent. That is incorrect and, in fact, it is 80 per cent.

Just to give a brief background, the EPA has monitored SA Water and put in place some pretty heavy requirements to reduce the amount of nitrogen that goes into the gulf. I am advised that it was 2,776 tonnes of nitrogen per annum in 1998 that was discharged into the gulf. Through some concerted actions of SA Water—I mentioned the Virginia action, the Willunga Basin I did not mention, but I think the Hon. Mark Parnell did, the Christies Beach Wastewater Treatment Plant, the Glenelg to Adelaide Parklands pipeline and also Bolivar and NAIS.

Through the combined actions of those and other programs we have seen a reduction from 2,776 tonnes per annum of nitrogen in 1998 to 525 tonnes in 2015-16—a massive drop, according to the Hon. Mr Dawkins, of over 80 per cent. That does show the contribution and the efforts of SA Water, but I do understand that the EPA has required of SA Water to improve on that target to a target of 300 tonnes per annum for nitrogen by 2030. We have a little bit of time, but I am also advised that the EIP (the Environment Improvement Program), outlining how SA Water will approach that target, must be submitted to the EPA by July of this year.

I do want to say that the Adelaide coastal water quality improvement plan was released in July 2013 on the Environmental Protection Authority's website. The honourable member can find it there, I hope. That plan outlines the long-term strategy, consistent with community expectations, to achieve sustained water quality improvement for Adelaide's coastal waters, and create conditions and see a return of seagrass along the Adelaide coastline.

It will take time for the return of seagrass: it has been somewhat abused for the best part of over a century. I am told, anecdotally (I have not yet seen any scientific reports), that the die-off seems to have halted and in some places is making a comeback, and I look forward to seeing that report in the State of the Environment report in near times.

This plan will need to be updated. It is important to understand that it will be very challenging to get to the target—that's what targets are for. Given that SA Water has reduced the nitrogen component from 2,776 tonnes to 525 tonnes, I have every confidence that, if they apply themselves to this updated target of 300 tonnes, they can achieve it, but I have no doubt it will be expensive and that it will require significant investment and technology in changing their behaviour and practice.

The simplest way to do it would be to reuse the water for irrigation programs. I guess that is why we are concentrating on things like the Virginia pipeline. The NAIS program: my long-term hope and expectation is that we will be able to take it out to the Barossa and connect up with the BIL program in the future, but that is a long-term hope and will require further investment from the federal government as well.

I thank the council for its indulgence: I did need to correct that. Even though there is an improvement, there is a way to go, but SA Water has shown that it can achieve massive reductions in nitrogen discharge, and I think we all will encourage them to make sure that they achieve the 300-tonne limit that has been proposed by the EPA.

Bills

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 April 2017.)

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): I call the Hon. Tammy Franks.

The Hon. T.A. Franks: I am happy for Rob to go first—he seemed keener.

The Hon. R.I. LUCAS (16:18): I thank the Hon. Tammy Franks. I assure the honourable member that I will not delay the passage of the bill. I rise on behalf of Liberal members to put the Liberal Party's position on the South Australian Employment Tribunal (Miscellaneous) Amendment Bill 2017. As members who were involved in the discussion on the parent legislation some time ago will indicate, there was a substantive debate at that time. The Liberal Party has determined that this is essentially a technical bill. A number of specific provisions, omissions, are being corrected in the legislation, and for those reasons we are supporting the legislation and do not intend to delay its passage through the Legislative Council.

Essentially, it corrects some omissions from the Statutes Amendment (South Australian Employment Tribunal) Act 2016, and it further expands the scope of the jurisdiction of the South Australia Employment Tribunal. We passed that parent act in late 2016, and it is proposed by the government, we understand, to commence the operation of the legislation on 1 July 2017.

The overall intent of this particular bill is to consolidate additional employment-related jurisdiction powers onto the tribunal, in addition to the existing jurisdiction under the Return to Work Act 2014. Section 45 of the parent act is being amended. The current effect of section 45 is that the tribunal cannot proceed to hear any matter unless a prehearing conference has first been held before a presidential member. This bill will remove this requirement unless it is related to proceedings under the Return to Work Act 2014 and other regulations prescribed.

The impact of the amendment in this bill will be that certain cases can move immediately from an unsuccessful conciliation and mediation or arbitration process with parties to a tribunal hearing, rather than having to go through another element, such as a prehearing conference before a presidential member. We sent this bill, as we do with all bills, out to stakeholders. It is fair to say we were not swamped with replies from stakeholders in relation to the legislation. The only replies we received were from Self Insurers of South Australia and the Motor Trade Association. We thanked them for their feedback, but they indicated that they had no major concerns with the legislation. For those reasons, we support the passage of the bill.

The Hon. T.A. FRANKS (16:24): I rise on behalf of the Greens to make a second reading contribution to the South Australian Employment Tribunal (Miscellaneous) Amendment Bill 2017. The Minister for Industrial Relations introduced this bill on 29 March in the other place. It has been before this council since 13 April. It appears on the surface to be somewhat of an uncontroversial bill, other than to make note that it is indeed what I would call a 'fixer-upper bill'. It is a bill that we need to pass before the other bill comes into operation to fix it up.

Of course, this bill seeks to correct omissions from the Statutes Amendment (South Australian Employment Tribunal) Act 2016, which is soon to go into operation. The Minister for Industrial Relations outlined some of the reasons for this in the other place, and I will reflect on some of those words:

> Since the passage of the Amendment Act, a need to amend s45 of SAET Act has arisen. In brief, the current effect of s45 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 s45 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.

The minister goes on to state:

> The Bill proposes to amend s45 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 s45 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.

He goes on to say:

> 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 question to which I seek a response from the government is: how were these amendments that are now before us overlooked in the original drafting of the amendment act? In introducing this bill, the minister goes on to say:

> 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 world 'Division' to 'Act '.

The minister goes on to note in his contribution:

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 most importantly 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 s18A(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.

That is at the midway point of the minister's contribution. My second question is: are these minor amendments or are they amendments that indeed could have serious consequences if not fixed? By way of further background, I note that the Greens do and did support the amendment act, and indeed the South Australian Employment Tribunal quite rightly will resolve disputes relating to the return to work scheme but will also hold responsibility to address other jurisdictions.

These of course include the jurisdiction of the Industrial Relations Court of South Australia, matters relating to dust disease, an aspect of the criminal jurisdiction that has also been added, including the summary and minor indictable offences that are currently in listed as 'industrial offences' under the Summary Procedure Act, and matters relating to the civil jurisdiction relating to contractual disputes between employers and employees. These of course are some of the wideranging areas of responsibility and, indeed, a very important range of responsibility held by the South Australian Employment Tribunal.

The South Australian Employment Tribunal, as the Minister for Industrial Relations in the other place in speaking to this amendment bill has put it, is really a one-stop shop for resolving matters relating to industrial relations in this state. As I mentioned in my contribution to that establishment act, it is the objective of the tribunal to provide fair and independent resolution of workers compensation cases and indeed assist injured workers to return to work and also to address the list of industrial relations disputes arising in the jurisdictions that I have mentioned.

However, I will take the chamber's time to put on notice concerns that have been raised with my office just today by the Australian Education Union (SA Branch), not with specific regard to this bill but with regard to the regulations that will come from this bill. I will note their points of concern, and I would seek some response from the government at the second reading and in the committee stage and, of course, in the longer term I would hope that the Minister for Industrial Relations can address these particular AEU(SA) concerns. The concerns raised with my office state:

The AEU SA Branch is concerned that the amended wording in the draft Education Variation Regulations 2017, seems to indicate (without prior consultation) a diminishment in the appointment and the role/functions of the AEU within the prospective SAET appeal jurisdiction. The Australian Education Union does not support any changes in regard to their functions as prescribed, in the existing Education Act and Regulations as a result of implementation of the South Australian Employment Tribunal processes and seeks urgent consultation if there is a change in the AEU's role in this manner.

For the purposes of this debate, it would be I think, appropriate for the minister to present whether or not there is a change in the AEU's role as a result of this bill and if there is not, to clarify that and if there is, to clarify what the next steps will be. The note continues:

1. Education Variations Regulations 2017. The reference to the 'Director-General' in regulations 4 and 40 remains perhaps in lieu of Chief Executive in the Education Variations Regulations 2017. This is consistent with the current Education Act 1972 and presumably may be updated further when the amalgamating education and children's services legislation progresses further.

The proposed regulation 38 concerning lodging of appeals with SAET, which replaces current wording, does not detail the form of the notice of appeal per the current regulation. Assumedly there will be a notice of appeal form to complete however this is not clear and does not detail the content required e.g. grounds of the appeal per regulation 38 in the current education regulations.

The next point is:

The draft regulations specify that the current regulation 39 will be revoked. The current regulation 39 specifies that the appellant and respondent will be notified regarding the appeal hearing date at least 7 days beforehand and that the appeal will be heard as soon as practicable.

Further clarification may be required regarding proposed wording in draft regulation 11 as [it] proposes to substitute wording 97(1) in the current regulations effectively removing reference to AEU in new wording in regard to 'vacancy in the membership of a panel of officers of the teaching service under 54(1)(b) of the act.' Also the reference to s54(1)(b) of the act doesn't seem to correlate with that section in the Education Act.

Point 2 of the issues raised by the AEU with my office just today is:

2. The proposed variations in the other draft regulations are more insignificant e.g. fair work regulations etc and do not make substantive changes but minor procedural amendments such as updating words to include SAET etc.

The AEU wishes to express their concern that in future iterations the government may seek to move the disciplinary jurisdiction of the Teachers Registration Board to SACAT or SAET. I put on record, on behalf of the AEU, that they strongly believe that the Teachers Registration Board should remain in its current form. So, if the minister representing the minister could clarify whether the government has any intention of making amendments to the AEU in terms both of that membership of the panel and whether they have any changes afoot for the Teachers Registration Board, if they could make it clear now that would be appreciated—or ruling them out would be further appreciated.

Further, I do hope that we will have some answers as we proceed through these debates into the committee stage. With those few words, we will be supporting the second reading of the bill. We do find it somewhat uncontroversial, and heartily unnecessary had the due diligence been done with the original bill in terms of the drafting, but in this case we are happy to help the government with yet another fixer-upper from this minister.

The Hon. T.T. NGO (16:32): I rise to speak in support of the South Australian Employment Tribunal (Miscellaneous) Amendment Bill 2017. On 1 July 2017, the Statutes Amendment (South Australian Employment Tribunal) Act 2016 (the amendment act) will commence. The amendment act will confer additional employment-related dispute resolution jurisdictions on the South Australian Employment Tribunal (SAET).

The 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. The amendment act confers the following employment-related jurisdictions on SAET, in addition to its existing jurisdictions under the Return to Work Act 2014, namely:

1. Dust disease matters, under the Dust Diseases Act 2005;

2. The Industrial Relations Court and 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 Work Health and Safety Act 2012;

3. The Equal Opportunity Tribunal, under the Equal Opportunity Act 1984;

4. The Teachers Appeal Board and teachers' classification review panels under the Education Act 1972 and Technical and Further Education Act 1975;

5. Part of the jurisdiction of the Police Review Tribunal under the Police Act 1998;

6. The Public Sector Grievance Review Commission under the Public Sector Act 2009;

7. Criminal jurisdiction in respect of summary and minor indictable offences that are currently industrial offences under the Summary Procedure Act 1921; and

8. The 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.

The current bill is primarily required to correct omissions and errors in the amendment act and to support the jurisdictional expansion of SAET. The details of the proposed amendments are set out in the minister's second reading explanation and I refer to some of them here. Since the passage of the amendment act in December 2016, a need to amend section 45 of the SAET Act was identified by SAET.

This is the purpose of clause 4 of the bill. The proposed amendments of section 45 will be beneficial to parties and to SAET as it will allow a SAET commissioner or presidential member undertaking a conciliation, mediation or arbitration (ADR) process with parties that prove to be unsuccessful to move immediately into a contested hearing of a matter, with the parties' consent, to arrive at a binding determination of the dispute. It will not be necessary for the proceedings to be adjourned for the parties to return at a later time for the contested hearing of the matter.

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 and in any other prescribed class of proceedings. At this time, it is proposed by SAET that this process would mainly occur in the case of reviews under the Public Sector Act and employment disputes currently heard in the Industrial Relations Commission under the Fair Work Act.

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, the Equal Opportunity Act, the Technical and Further Education Act and the amendment act which were overlooked during the original drafting of the amendment act.

The need to amend section 54(2) of the Education Act was first raised by the Australian Education Union during consultation on the amendment act. Section 54(2) has been inadvertently drafted too narrowly and does not reflect the status quo where panel members can sit for all proceedings under the Education Act.

As drafted, section 54(2) would only apply to have the president elect that supplementary panel members sit in review proceedings 'under this division', that is, proceedings under division 8 of part 3 of the Education Act, which is only concerned with appeals in respect of promotional level positions. It does not include proceedings for review of retrenchment, transfer and retirement decisions, disciplinary decisions and other review rights that might be provided for under the Education Regulations 2012 from time to time.

This amendment in clause 1 of the schedule to the bill will ensure that the President of SAET can choose to list supplementary panel members for all review proceedings under that act. 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.

The need to make the remaining amendments in the bill to correct errors in and omissions from the amendment act was discovered by legislative services staff of the Attorney-General's Department and staff of the Office of Parliamentary Counsel in the time since the passage of the amendment act. At this stage, on its proposed commencement on 1 July 2017, the government intends that the amendment act will confer all the additional employment-related jurisdictions on SAET, except for jurisdiction under the Education Act and the Technical and Further Education Act in parts 8 and 20 of the amendment act.

Given the importance of the amendments in this bill as they relate to SAET's jurisdiction under the Education Act and the Technical and Further Education Act, parts 8 and 20 will not come into operation until this bill is passed. Should the parliament pass this bill, it will enable these parts to also come into operation on 1 July 2017.

Serious consequences could result if the 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 and that the power in section 18A(2) of the Technical and Further Education Act will not be able to be exercised as intended. With that, I commend the bill to the council.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (16:44): I would like to thank all members for their contributions on this important legislation. I look forward to further discussing the bill in depth during the committee stage.

Bill read a second time.

SUMMARY PROCEDURE (INDICTABLE OFFENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 April 2017.)

The Hon. K.L. VINCENT (16:45): I speak on behalf of the Dignity Party today on the second reading of the Summary Procedure (Indictable Offences) Amendment Bill 2016, cognisant that a considerable number of submissions and comments have been made to my office around this bill and proposed reform and that a number of amendments to the bill have already been filed.

We are still considering the points that have been made on both sides of the debate, so to speak—if I can call them sides—but we will support the second reading of the bill at this stage to allow the debate to continue. I do feel there is some probability that we will be seeking to either file our own amendments further into this debate or support those of others.

I would like to thank the Attorney-General for making former Justice Michael David QC available to MPs and to staff to brief us on this bill and also for his personal briefing to myself on this bill and the reforms more broadly. We also appreciate the time taken by the Director of Public Prosecutions, Adam Kimber SC, to meet with us on these reforms. I also appreciate the time taken by a number of defence lawyers, including the President of the Bar Association, Ian Robertson QC, and many others for their views and concerns, which they have expressed to me.

In addition I have also met on this bill with Michael O'Connell in his role as Commissioner for Victims' Rights, enabling a victims' rights perspective. Regardless of the various perspectives and viewpoints that have been put to me, one thing seems clear: everyone appreciates that reforms need to occur but the precise form and priority of these reforms are what are disputed.

Many on the defence side of this debate believe that these legislative reforms alone will not be effective until the lack of resourcing for the Office of Public Prosecutions and the Legal Services Commission is dealt with. Certainly, as a person with disability, I see the need for a functioning justice system. Women with disability in particular are far more likely to face abuse in their lifetime than almost any other group, and as an MP who has many constituents with a disability, including children, particularly children with intellectual disabilities and/or complex communication needs, I have seen the justice system completely and utterly fail them.

I am also acutely aware that a better functioning and more efficient justice system could be of benefit to people with disabilities, whether we be appearing in the system as victims, offenders or witnesses. However, I also believe that the efficiency of our justice system must never come at the expense of fairness, and what many would view as an inalienable right—

The PRESIDENT: Can honourable members please pay respect to the Hon. Ms Vincent, who is giving a speech.

The Hon. K.L. VINCENT: Thank you, sir, I will start that sentence again. However, I also believe that the efficiency of our justice system must never come at the expense of fairness and what many would view as an inalienable right to access our justice system, such as the right to silence. There are number of defence lawyers who are significantly concerned that the state's under-resourcing of the DPP and lack of legal aid funding adds at least as many problems to the metaphorical list as does the defence lawyers being unprepared. But I am aware that the Attorney-General and many others on the prosecution side of the argument would argue that this does not preclude or reduce the value of legislative reform in this instance.

Indeed, it has been put to me that discussing the under-resourcing of SAPOL and the DPP is a distraction tactic being used by the opponents of this reform. It has been put to me that all the defence needs to do, if they are concerned about a lack of preparation, is put it to the prosecution to prove every aspect of the case, to insist that every aspect of the chain of evidence be addressed at trial.

However, I guess my question to the Attorney-General on that is: would that result in longer trials? I would also like to know why the additional resources for early case statements necessary under this reform amount to approximately $400,000, in my understanding, which seems a measly sum compared to the millions that get splashed around by this state government in other areas of grand and sometimes even unnecessary infrastructure projects.

I do very much worry about the lack of resources available in our South Australian justice system and the consequences of this. It is difficult to put a dollar value on justice being done, whether you are a victim, an offender, a witness or in the family of a victim, offender or witness. As I understand it, criminal justice offences cost an average of only $10,500 per offence in South Australia, while it costs about $25,000 in Victoria. I would hope that this does not necessarily mean that justice is done two a half times as well in Victoria as here in South Australia. The Victorian criminal justice system costs about two and a half times as much but is it twice as good? Certainly in deputations to my office by South Australians involved in our justice system it is said that the Victorian system is enviable.

I am certainly aware that some on the justice side of the criminal justice system here in Adelaide, and South Australia more broadly, believe that we would be doing much better if we adopted something much more similar to the Victorian system, not just in a legislative sense but in terms of resourcing. I do take the point being made by those for these reforms that simply injecting more funding into our system is not in and of itself the silver bullet some might portray it to be.

I have seen both systemic and individual funding issues in Disability Services which have had money thrown at them, to use a crude term, with little to no success. However, like the Disability Services system that was labelled as chronically underfunded, unfair, fragmented and inefficient by the Productivity Commission, I wonder sometimes if that is not also a feature of South Australia's justice system. You see, it seems we cannot afford accessible courtrooms, and accessing legal aid through the Legal Services Commission is not as easy as it might first appear, particularly if you have additional access requirements such as a sign language interpreter or other communication facilitation for that contact.

My office is regularly involved with constituents who may be victims, witnesses or alleged offenders who are struggling to access the justice system in a fair and particularly a timely fashion. We often hear stories of inconsistent and unclear approaches from all sides, including SAPOL, the DPP, the courts, magistrates, judges and so on. I am not suggesting that anyone is deliberately trying to pervert the course of justice, of course, and I would never suggest that in this case, but often staff in these systems, processes and departments are just not trained or aware in terms of understanding the needs of someone who is, for example, deaf or who might have an intellectual disability, brain injury, or needs to use alternative and augmentative communication methods.

The lack of resources available to provide this training compounds and impairs the justice system's ability to deliver justice in the end. While we are happy to support the second reading of this bill at this stage to continue the debate, the Dignity Party wants to place on the record those very genuine and strongly held concerns and would appreciate any further feedback the government can provide on whether it views addressing this issue in a legislative fashion is in and of itself enough or whether it agrees that the resourcing also needs to be looked at.

With those few brief words we hold the right to present further amendments further down the track but for now I am happy to place those general concerns on the record and would like the government to respond to them.

The Hon. M.C. PARNELL (16:54): I rise also to speak on the second reading of the Summary Procedure (Indictable Offences) Amendment Bill. At the outset I would like to put on the record my thanks to the surprisingly large number of people who took the trouble to contact me and to speak with me about this bill. I had a couple of fruitful meetings with the Attorney-General and his staff.

I also thank Adam Kimber QC, the Director of Public Prosecutions, who generously made some time available to discuss this bill with me, and also a number of members of the South Australian Bar. I will not name them all, because some people were keen not to be on the record, but those who came to see me included David Edwardson, Ian Robertson, Gilbert Aitken, Bill Boucaut

and Anne Barnett. When bills come before us in this chamber it can be difficult to predict the level of controversy that will attach to each bill. Sometimes it is obvious; there are other bills which often take us a bit by surprise, but this bill certainly has created great consternation amongst lawyers over the last six months.

I think there is universal acceptance of the objective, which is freeing up the District Court criminal list, the more efficient management of cases and the more expeditious resolution of matters. I might just refer to the first four paragraphs of the Bar Association's submission (not its full submission, but its executive summary) because I think it quite succinctly sums up its support for the objectives of the bill, even if they don't support the detailed measures that the bill contains. The submission reads:

> The South Australian Summary Procedure (Indictable Offences) Amendment Bill claims as its purpose to make 'efficiency changes for major crime cases'. The Attorney-General asserts that the 'reforms' will, amongst other things, 'make prosecution and defence reveal more about their argument in advance so they can identify and focus on the real issues in dispute'. He is simply wrong.
>
> The catalyst for this Bill is the enormous backlog of criminal cases in the District Court. The Attorney-General argues that this is caused by the number of trials being vacated due to late guilty pleas. He says that the responsibility for that lies at the feet of the defendants and their representatives. Again, he is wrong.
>
> In truth, the large backlog arises because the Office of the DPP does not have the resources it requires. For example, a prosecutor is not appointed to a case until a trial judge is allocated. That means a matter is being set for trial, and it is often then too late for any meaningful negotiation. Negotiation occurs usually on the doorstep of the trial court. This often results in a late plea to a lesser charge after the prosecutor makes a binding decision.
>
> Another frequent cause for matters coming out of the list is the late disclosure by both the commonwealth and state DPPs. Then of course we have over listing, not enough judges or courts because of more than 15 years of government neglect. These 'causes' are not reflected at all in the proposed 'reforms'.

So, the Bar Association agrees with the problem, but they do not accept the government's solution, so that is where consensus ends. Many of those to whom I have spoken claim that this bill, in any event, will not achieve its objectives, or at best it will only do so at an unacceptable cost of the cherished legal principle, such as the right of defendants to put the prosecution to its proof without revealing it is own hand, and the related right of a defendant to remain silent, leaving it to the prosecution to prove every element of the offence.

A number of suggestions have been made that are outside the scope of this bill that some believe will do more to reduce congestion in the courts. I have referred to some, but in summary these suggestions tend to involve increased funding for the key players in the criminal justice system, including the DPP, Legal Aid and the courts themselves.

Not surprisingly, when there is debate about the cause of delays in criminal trials, there is a great deal of finger-pointing and blame. It is hard to get to the truth of the matter. For example, an adjournment which results in a delay in a trial might be secured at the request of the defence, but that does not mean it is the fault of the defence. It may just as likely be some delay on the part of the prosecution that drives the defence to seek an adjournment.

I was interested to see that the Bar Association did a survey of some of its members of the criminal bar and invited them to fill out a questionnaire asking how many cases had been delayed and what was the cause. What that table shows is that late disclosure of key information by the prosecution and the unavailability of key expert witnesses was just as likely to be the cause of delay as anything else.

So, I think it is not correct to say that delays universally or even overwhelmingly are a problem with the defence. Similarly, I do not think it is correct that creating more onerous obligations on the defence will necessarily improve case management. That is not to say that the bill before us is without merit. There are a number of small changes that can be made that make the bill more acceptable.

Technically, the key sticking point has been a new requirement on the defence to lodge a case statement before trial. Proposed section 123(4)(g) includes an obligation to disclose, 'the nature of the defendant's defence (if any), including particular defences to be relied on;'. According to the Bar Association, this infringes the right of the defendant to remain silent and to put the prosecution

to its proof, which is, as I said before, one of the fundamental tenets of our legal system. The Attorney-General, on the other hand, says that this bill does no such thing.

I will refer to one more submission. This one is a letter written by Ian Robertson SC, the president of the South Australian Bar Association. It is a letter that he wrote to the courts reporter of the Adelaide *Advertiser* but also made available to members of parliament. To give you a paragraph which explains the legal problem as the Bar Association sees it, the letter reads:

> …the legislation imposes an obligation on an accused person to file a Case Statement. The details of the content of the Statement is set out in the misnamed Summary Procedure (Indictable Offences) Bill. In very general terms it requires an accused to state their defence (possibly in the absence of the evidence that is required to be disclosed to them).

I guess most of us have seen a law film. I suspect nearly everyone knows that they have the 'right to remain silent'. Not anymore, once the case gets to the time prescribed by the bill. The bill erodes and in some cases abolishes that right.

The Bar Association is keen to see some changes made. In my view of this bill, I think some of the provisions do infringe the right to silence and so we will be supporting amendments that remove that particular requirement of defence case statements; that is, the requirement to effectively outline or identify your defence.

Of course, in legislation if you create an obligation in law, you also need to create an appropriate consequence for the breach of that obligation. In the case of defence case statements, the consequences of not complying with this new provision is that the court may allow an adverse comment to be made about the defendant to the jury. According to most of the lawyers that I spoke to, their assessment was that such an eventuality was unlikely. It was unlikely that judges would allow an adverse reflection to be made to the jury because a defendant had failed to either detail their defence in a case statement or had somehow deviated from the defence that they had set out in their case statement.

Most lawyers said that they really did not think a judge would allow that to happen. Nevertheless, that is what the bill says can happen, so we also need to remove that consequence that would flow from failure to lodge a comprehensive case statement, as set out in the bill. I think they are pretty minimal changes, but they are important changes to protect the basic legal rights of defendants.

Another related amendment I will be moving is a provision that relates to the availability of subpoenas. According to this bill, subpoenas cannot be sought until the defence has lodged its case statement. That means that there could well be a gap of days, weeks or even months in which it is impossible for the defence to seek a subpoena in order to preserve important evidence that relates to the case, and I do not think that is acceptable. The view we have taken is that the need to preserve evidence can arise at any time prior to trial. Limiting the ability of a party to apply for a subpoena until they have complied with certain administrative steps is unfair and could lead to unjust outcomes.

I have referred very briefly to some Greens' amendments and to the Liberals' amendments that we will be supporting, but we have also seen amendments filed by the Hon. John Darley in relation to the rights of victims to be advised about changes in the prosecution, such as the dropping of charges. Whilst we have not gone through those in detail, they seem to be sensible and we will have a close look at them and consider them at the committee stage. Similarly, some government amendments have just arrived today that we have not had a chance to consider, but we will do so before the committee stage. At this point, the Greens are happy to support the second reading of this bill.

The Hon. T.T. NGO (17:06): I rise to speak in favour of the Summary Procedure (Indictable Offences) Amendment Bill. The government flagged its intention to reform criminal procedure in its first paper under the Transforming Criminal Justice banner in December 2014, when it released a strategic overview of the reform project. This was followed up by a consultation paper entitled 'Efficient progression and resolution of major indictable matters' that was released in mid-2015. Feedback on this discussion paper was taken into consideration in the drafting of the original version of the bill.

The draft version of the bill was then released publicly late last year, so that key interest groups would be able to comment and provide feedback on the draft legislation before it was introduced to parliament. The bill before us now is the culmination of an extensive consultation process, having taken into account the various pieces of feedback received on the draft bill that was released for comment last year. There are various key aspects to this reform.

Firstly, the Director of Public Prosecutions will now be required to adjudicate the particular charge that an accused will face, based on evidence provided to them by SA Police. This means that when a charge is laid for an indictable matter, prosecution and defence can have confidence that the matter will proceed as charged. Charges being upgraded or downgraded creates inefficiencies within the system and is often stressful for the victims and the accused.

The courts have been given the discretion to set appropriate time frames between appearances in the Magistrates Court depending on individual cases, meaning that the number of unnecessary adjournments will reduce. This will occur on a case-by-case basis, based on the information provided by the parties during preliminary hearings. For example, if the prosecution knows that some forensic material might take many months to be ready, the courts can adjourn the matter accordingly. This saves the need for appearances where both parties simply attend court seeking an adjournment to await such evidence.

The bill adjusts the current sentencing discount regime to fit in with the new time frames proposed. This discount regime has proved successful in encouraging early guilty pleas where appropriate, and the government is keen to preserve this important reform. Importantly, the bill introduces a tiered disclosure scheme, which applies to both prosecution and defence. This will work with the provision of case statements between the parties, meaning that parties will be better informed at an earlier stage in proceedings about how a case will proceed.

This legislation will lead to major criminal matters travelling more efficiently through the court process and will lead to a front-loading of the work that now usually occurs just before a trial date. The front-loading of work is a good thing. The criminal justice system has many moving parts—the courts, police, lawyers, prosecutors, witnesses, victims and many more. The earlier we can get the key people in this system to focus their minds on a matter the better. I commend the bill to the council.

The Hon. J.A. DARLEY (17:11): I rise to provide my contribution to the bill. I understand that the impetus for the bill was to increase the efficiency of the courts, as there has historically been an incredible delay and backlog for cases to be heard. The Attorney indicated that 22 per cent of outstanding matters in the South Australian District Court have been pending for over 12 months and that there is a chronic issue with overlisting in the criminal courts.

The government has proposed a number of changes to improve the criminal process. Both parties will now be required to provide a case statement, in the hope that early disclosure of the information will result in negotiations which in turn will reduce the time the matter is in court. The bill also provides clarity on matters that the court should take into consideration when offering a sentence reduction. The bill was first raised at a briefing the Attorney offered to all members which involved former judge Michael David QC.

At this briefing, I indicated that, as a non-lawyer, the proposal seemed to reflect common sense and I was generally supportive of it. However, it has become clear that, in order for the government's proposal to be effective, more training and education needs to be provided to SAPOL, so that the information they gather during investigations is sufficient to secure a prosecution. The DPP is only as effective as the information they are provided with by SAPOL and if this is inadequate, the desired overall outcome will not be achieved. I have been advised that SAPOL will receive more training, and only time will tell whether or not this is enough.

Further, I am not entirely convinced that the changes proposed by the government will achieve what is being espoused. It seems that instead of the backlog being at the end of the criminal process, it will merely be at the beginning of the process. A real cynic may even suggest that this is merely an exercise to improve the statistics of the courts by delaying matters being listed. If matters are not listed, then the clock cannot start ticking and matters cannot be categorised as outstanding. However, this is a very cynical view.

I was pleased to see an article in *The Advertiser* recently that indicated that the new District Court Chief Judge, the Hon. Michael Evans, has implemented a number of administrative changes which have improved the productivity of the courts in the short time he has been in the position. I understand that in February, all but six trials started on time and in March this figure was reduced to just two. His approach has been described as a breath of fresh air, and it will be interesting to see whether these changes will be necessary at all in a few months.

However, I accept that there are benefits to all parties involved in criminal matters, including the victim, from early disclosure of the information. It may mean that matters are resolved earlier, which means that victims and their families can start moving on. The criminal process is often very taxing on a victim who is often unfamiliar with the procedures. They can often feel that they are excluded from the process, as it is a matter of the state versus the accused, yet the outcome of the process has a direct impact on the victim. Whether an accused is guilty or is found guilty can go a long way to vindicating what has happened to the victim. If delays are minimised this can only be a good thing.

I have always been passionate about victims' rights, and today have instructed that amendments be filed in my name which will require the courts to be advised whether victims have been consulted or not if the prosecution changes the charge or decides not to proceed. I will speak more on this during the committee stage. I think it is worth noting, on the record, that the SA Bar Association has concerns about the bill; however, I understand they have now ultimately accepted the bill, provided the Liberal amendments are incorporated, and hope a compromise position can be reached so that this bill can proceed. With that I support the second reading of the bill.

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:15): I would like to thank those speakers who have been able to make a contribution at this point.

Bill read a second time.

PUBLIC INTEREST DISCLOSURE BILL

Final Stages

Consideration in committee of the House of Assembly's message:

The House of Assembly disagreed to the amendments made by the Legislative Council.

(Continued from 29 March 2017.)

The Hon. K.J. MAHER: I move:

That the council do not insist on its amendments.

The Hon. M.C. PARNELL: In the interim, since this bill was passed, and the Greens supported the Liberal amendments, we have been given no reason to change our mind. So we continue to insist on our amendments.

Motion carried.

INDUSTRIAL HEMP BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 17:20 the council adjourned until Wednesday 10 May 2017 at 14:15.

Answers to Questions

ADELAIDE PARKLANDS

In reply to **the Hon. M.C. PARNELL** (4 August 2016).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): The Minister for the City of Adelaide has been provided the following advice:

Section 23(1) of the Adelaide Park Lands Act 2005 (the Act) provides:

23—Steps regarding change in intended use of land

(1) If land within the Adelaide Park Lands occupied by the Crown or a state authority is no longer required for any of its existing uses, the minister must ensure that a report concerning the state government's position on the future use and status of the land is prepared within the prescribed period.

Regulation 8 of the Adelaide Park Lands Regulations 2006 prescribes a period of 18 months for the purposes of section 23(1) above.

As the minister to whom the Act is now committed, I am only required to prepare a report on land in the Adelaide Park Lands occupied by the Crown or a state authority when it is no longer required for any of its existing uses, from which time I have 18 months to prepare the report.

In relation to the various sites referred to by the Hon Mark Parnell, I advise:

- The Department of Planning, Transport and Infrastructure (DPTI) will seek assistance and advice from Renewal SA on the preparation of section 23 reports on the redevelopment of the Casino and the Festival Plaza at the appropriate time.
- A section 23 report for the proposed new CBD high school in the Reid Building on Frome Street is not required as its existing use as an educational establishment will continue.
- In relation to the O-Bahn project through the Park Lands, the land was recently transferred from the Adelaide City Council to the government for the purposes of the construction of the tunnel and busway. Once constructed the remainder of the land not required for the busway corridor (which is most of the site) will be transferred back to the care and control of the council for use as park land. It is considered that this transfer may then trigger the requirement for a report under section 23.

WATER LICENCES

In reply to **the Hon. D.W. RIDGWAY (Leader of the Opposition)** (20 October 2016).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have been advised:

All water licences (including water access entitlements) are already recognised as personal property in South Australia under section 146(8) of the *Natural Resources Management Act 2004* which states that, 'a water license is personal property and may pass to another in accordance with the provisions of this act or, subject to this act, in accordance with any other law for the passing of property'.

OPEN STATE

In reply to **the Hon. K.L. VINCENT** (1 November 2016).

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

I can confirm that the Department for Education and Child Development contributed $5,500 (inc GST) towards the cost of bringing Mr Richardson to South Australia.

NU-ROCK TECHNOLOGY

In reply to **the Hon. J.A. DARLEY** (15 February 2017).

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): I have been advised:

Nu-Rock submitted a business plan to Investment Attraction South Australia in February 2017, however they did not provide independent composition analysis results for the Port Augusta ash. Nu-Rock no longer wishes to progress the business plan.

ROAD SAFETY PETITION

In reply to **the Hon. J.S. LEE** (1 March 2017).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

1. Department for Planning Transport and Infrastructure (DPTI) School Community Programs has contacted Highbury Primary School regarding involvement in the department's Way2Go Program. Although school staff have indicated that they are not willing to re-engage at this time, DPTI will continue to pursue this option.

DPTI will also arrange new pedestrian and traffic counts on Lower North East Road and contact Tea Tree Gully Council to request similar counts be conducted on Valley Road simultaneously. DPTI will arrange a meeting with key stakeholders including the local MP, council, school principal, plus governing council representative with a view to addressing the key issues.

2. It is expected that the traffic and pedestrian counts, new assessment/observations of pedestrian activity and consultation/meeting with key stakeholders will be completed by the end of May 2017, with a report including recommended actions to be finalised by the end of June 2017.

MORRISON, MR W.

In reply to **the Hon. J.M.A. LENSINK** (1 March 2017).

The Hon. P. MALINAUSKAS (Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety): I am advised:

No staff have been suspended while the investigation takes place.