HOUSE OF ASSEMBLY

Tuesday, 20 September 2016

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:00 and read prayers.

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

Ministerial Statement

CHILD PROTECTION SYSTEMS ROYAL COMMISSION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.R. RAU: In August 2014, the state government established the Child Protection Systems Royal Commission. The royal commission's final report was handed to His Excellency the Governor on 5 August 2016 and was publicly released on 8 August 2016. The report is a comprehensive analysis of our current child protection system and the scourge of child abuse and neglect that we are tackling in South Australia. It runs over 850 pages and contains 260 recommendations for system-wide reform.

The report suggests that problems with child protection systems are not unique to South Australia. It reaffirms the necessity to recalibrate our system and intervene earlier in families, to place the child at the centre of all considerations and to stop them reaching our statutory agency. It reminds us that now, more than ever, child protection is all of our business.

The government has accepted 38 recommendations so far. We anticipate accepting many more. In June this year, the government immediately accepted interim recommendations of the royal commission to establish a new department for child protection and recruit a new chief executive with established credibility in child protection.

Last week, at a special Families SA staff meeting, the Premier announced the recruitment of Cathy Taylor as the new chief executive of the department for child protection. We welcome Ms Taylor's expertise in child protection, and her demonstrated leadership skills, and trust she will lead the department through this reform to provide the fresh start needed. Ms Taylor will begin in her new role on 31 October 2016 and we expect the department for child protection will commence by 1 November 2016.

This change provides an opportunity for a single department to have at its core a focus on child protection. However, it does not affect the responsibility that the Department for Education and Child Development and all other government departments have to support families and children to ensure, as best as possible, that they do not require statutory intervention.

Of those 38 accepted recommendations, nine relate to legislative amendments for which I will shortly seek leave to introduce. The Child Safety (Prohibited Persons) Bill 2016 implements a new regime of working with children checks for South Australia, and the Children and Young People (Oversight and Advocacy Bodies) Bill 2016 establishes the commissioner for children and young people and the child development council.

The report reiterates the importance of keeping children and their safety at the centre of our decision-making considerations. Importantly, this includes listening to the child's voice. The government warmly welcomes the recommendation for the establishment of a commissioner for children and young people. This government has previously recognised the need for this important

office for all children and young people and has also accepted Commissioner Nyland's recommendations regarding the functions and powers of that commissioner.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order. Leave has been granted.

The Hon. J.R. RAU: A barrier to an effective child protection system identified by Commissioner Nyland was the current information-sharing practices. The government introduced the Public Sector (Data Sharing) Bill 2016 in the last sitting week of the parliament. Endorsing the comments of Commissioner Nyland and her recommendations, the government has since drafted amendments to that bill to extend the state's ability to share information with the commonwealth, with other states or territories, local councils and the non-government sector.

Consistent with Commissioner Nyland's recommendations, the government is moving swiftly, yet carefully, to consider all 260 recommendations and report by the end of the year in accordance with recommendation 260. As recommended by Commissioner Nyland and accepted by the government, a dedicated response unit has been set up within the Attorney-General's Department to lead this work, supported by input from the Office for Child Protection and other government and non-government agencies, as well as the broader community.

In Commissioner Nyland's own words, 'When things go wrong, it is tempting to lay all the blame on the statutory agency. However, child protection is everyone's business.' We echo Commissioner Nyland's sentiments that this work cannot be done without the partnership of government, other government agencies, non-government organisations and the community as a whole, and we thank those groups for their participation and engagement so far in this process. There is still much work to be done.

The government is setting up strong structures to ensure a committed and ongoing implementation process, including progressing the 38 recommendations already accepted. To monitor the development of the response and implementation process, an across-government steering committee has been established and currently meets weekly. This committee was a recommendation of Commissioner Nyland which was immediately accepted.

The government acknowledges the difficult and important work that people working with vulnerable South Australians do. Many Families SA workers are on the front lines daily, doing their best to help children. I thank them for their efforts and hard work. I also thank the Hon. Margaret Nyland AM and her team for their tremendous efforts. The commissioner has provided us with a comprehensive blueprint for a new child protection system in South Australia. The report provides a significant opportunity to reform South Australia's child protection system, to give the system a fresh start. It is an opportunity that this government is committed to seize.

Parliamentary Procedure

STANDING ORDERS SUSPENSION

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:07): I move:

That standing orders be so far suspended as to enable the introduction of two bills without notice.

The SPEAKER: I have counted the house and, as there is an absolute majority present, I accept the motion. Is it seconded?

Ms Bedford: Yes, sir.

The SPEAKER: It is seconded by the member for Florey.

Motion carried.

Bills

CHILDREN AND YOUNG PEOPLE (OVERSIGHT AND ADVOCACY BODIES) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:08): Obtained leave and introduced a bill for an act to establish the Commissioner for Children and Young People; to continue the Guardian for Children and Young People, the Child Death and Serious Injury Review Committee and the Youth Advisory Committee; to establish the Child Development Council; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:09): I move:

That this bill be now read a second time.

The Children and Young People (Oversight and Advocacy Bodies) Bill 2016 establishes the Commissioner for Children and Young People; continues the Guardian for Children and Young People, the Child Death and Serious Injury Review Committee and the Youth Advisory Committee; and establishes the child development council.

The bill forms part of the legislative reforms required to implement recommendations made by the Child Protection Systems Royal Commission published report, which was published in August this year. The measures in this bill give effect to the royal commission's report recommendations 245 to 248 and 250 to 253.

As many are aware, there have been a number of inquiries in South Australia over the last 15 years relating to child protection. These have included an extensive review of child protection carried out by the Hon. Robyn Layton QC (submitted in 2003), the two inquiries conducted in 2008 by the Hon. Ted Mullighan QC with respect to children in state care and children on APY lands and, more recently, the independent education inquiry conducted by the Hon. Bruce Debelle QC in 2013. I also note that on 21 May 2014 the Legislative Council of South Australia appointed a select committee to inquire into and report on statutory child protection and care in South Australia, including a review of Families SA's management of foster care.

This bill is not the first attempt by the government to establish a commissioner for children and young people in this state. In 2014, the government introduced the Child Development and Wellbeing Bill, which sought to improve the development and wellbeing outcomes for children and young people by means of appointing a commissioner, amongst other measures. Consultations on that bill commenced in 2012, and between August and October of that year 79 public forums and meetings were held and approximately 7,000 discussion papers were distributed.

The government received 156 written submissions from stakeholders and members of the community—so not an insignificant body of work by any means. Regrettably, that bill was not able to progress through parliament due to a lack of support by the opposition regarding the proposed commissioner's investigative powers.

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. J.R. RAU: The government has been unwavering in its view that for sound policy reasons the commissioner should undertake systemic inquiries and not manage and adjudicate individual complaints and grievances related to child protection or child and young people's issues generally. I am pleased to note that the government's position has been endorsed by Commissioner Nyland, who at page 592—

Mr Gardner interjecting:

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

The Hon. J.R. RAU: —of the report states, and I quote:

> The Commission does not consider it appropriate that a Children's Commissioner be a complaints body, resolving or adjudicating individual disputes.

Prior to introduction into this place, the government undertook public consultation on the bill. The government received a good level of feedback from individual members in the community in addition to detailed and considered feedback from agencies and organisations. I wish to take this opportunity to thank all who have contributed in that process. The government is pleased to reveal that all of the submissions received supported the establishment of a commissioner and that a significant number indicated that the measures in the bill are in accordance with recommendations of the royal commission.

Recommendation 245 of the royal commission is to establish the statutory office of the commissioner, who will be equipped with functions and powers referred to in the royal commission's report. Recommendation 246 of the report recommended that the legislation for the commissioner, the Guardian for Children and Young People, the Child Death and Serious Injury Review Committee and the child development council be contained in a single act of parliament. Both of these recommendations have been achieved in this bill, which I will now explain.

The commissioner will have a broad spectrum of functions to do with all aspects of the lives of children and young people, including advocating rights and interests, promoting participation of children and young people in decision-making, advising ministers and state authorities, publishing reports, undertaking or commissioning research, and conducting inquiries into matters. The commissioner's independence from government is also important for providing children and young people with a representative body solely concerned with protecting children and promoting their rights.

The powers of the commissioner as prescribed in this bill vary depending on what function is being undertaken. For the purposes of conducting an inquiry into matters affecting young children and young people at a systemic level, the commissioner will have the powers of a commission as defined in the Royal Commissions Act 1917. Pecuniary penalties will be accompanying noncompliance with the commissioner's powers of inquiry, as will the power to apply to the court for a warrant for failure to comply with a summons.

When undertaking any other function, the commissioner will have such powers as may be necessary or expedient for the performance of that function, which is consistent with the current powers of the guardian. In relation to the appointment mechanisms for the commissioner, the government has reached an agreement with the Leader of the Opposition that the bill confirms that a person may only be appointed by the Governor to be the commissioner for a term not exceeding seven years, following a referral by the minister of the proposed appointment to the Statutory Officers Committee. I thank the Leader of the Opposition for that.

The appointment has been approved by the said committee. This mechanism will further underscore the independence of the commissioner from the government. In relation to the inquiry function, the commissioner may, with absolute discretion, conduct an inquiry into the policies, practices and procedures of a state authority or authorities as they relate to the rights, development and wellbeing of children and young people generally. In keeping with the views expressed in the royal commission report at page 598, the inquiry powers of the commissioner will extend beyond government-based agencies and systems into the non-government sector and community that provide services or have functions that will or may impact on the lives of children and young people.

For the purposes of this bill, inclusion of the non-government sector and community for the purposes of conducting an inquiry will be achieved by regulation. Before exercising his or her discretion to undertake an inquiry, the commissioner must have a suspicion that the matters raise an issue of particular significance to children and young people, and the matter is of a systemic nature, rather than being limited to an isolated incident, and it is in the public interest to conduct the inquiry.

Although inquiries undertaken by the commissioner must not be exercised to investigate an isolated incident or complaint concerning a child or young person, the bill expressly permits the

commissioner to examine individual matters affecting a particular child or children in the course of an inquiry. The commissioner may also commence an inquiry as a consequence of becoming aware of a matter affecting a particular child or young person, provided that the criteria set out in clause 12(2) of the bill are met. Upon completing an inquiry, or in response to issues observed by the commissioner in the course of such an inquiry, the bill prescribes what further action is to be taken.

Firstly, the commissioner may make recommendations directly to state authorities concerned. Secondly, irrespective of whether any recommendations are made by the commissioner, clause 15 of the bill requires the commissioner to prepare and deliver a report to the minister. As stated, clause 14 of the bill allows the commissioner to make recommendations directly to a state authority by notice, in writing, to undertake prescribed actions. In response, the state authority must provide to the commissioner a report setting out its responses in terms of compliance with the aforementioned recommendations.

Where a state authority proposes to implement a recommendation, and the commissioner is of the subsequent opinion that there has been a failure or refusal to give effect to this undertaking, the commissioner may require a second report seeking an explanation. Should the commissioner find him or herself in this position, the bill provides a discretionary power to the commissioner to escalate and highlight such noncompliance by submitting the report to the minister. In turn, the minister must then prepare and submit both the commissioner's and the accompanying minister's report to both houses of parliament.

A parallel power is also given to the commissioner to require a state authority to provide a report pursuant to clause 54 of the bill. Clause 54 applies to all other incidences that may warrant the commissioner requesting a report from the state authority, which have not been subject to an inquiry by the commissioner. Clause 54 of the bill is a discretionary power to require a state authority to provide a report if the commissioner is of the opinion that it is necessary or would otherwise assist in the performance of the commissioner's functions.

The provisions in clauses 14 and 54 give effect to royal commission report recommendation 248, which states, and I quote:

> Empower the Children's Commissioner to exercise its statutory powers and functions in relation to such matters, including employing the regime to monitor government responses and recommendations, and escalate the matter to the Minister and Parliament where necessary, at his or her sole discretion.

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

Leave granted.

It is relevant to note that the Commissioner will also be equipped with the power to refer matters (received or identified as part of an inquiry) to relevant authorities, including for example South Australia Police, the Ombudsman or the Independent Commissioner Against Corruption. The Commissioner will also have the capacity to prepare and provide to any Minister reports on matters related to the rights, development and wellbeing of children and young people at a systemic level and publish those reports.

Consequent upon the establishment of the Commissioner will be the abolition of the Council for the Care of Children. The current functions undertaken by the Council for the Care of Children will be consolidated between the functions of the Commissioner and the newly formed Child Development Council, a measure expressly supported in the Royal Commission Report. Established in 2006 pursuant to Part 7B of the *Children's Protection Act 1993* and currently led by Chair Mr Simon Schrapel, the Council have done an excellent job listening to, promoting and supporting the rights and voices of children and young people in this State. On behalf of the Government, I wish to take this opportunity to acknowledge and thank both current and former members for their service on the Council for the Care of Children who through their work, haven given a voice to children and young people in South Australia.

Returning to the measures of this Bill, it is logical that the Commissioner be equipped with the powers necessary to access information necessary to the performance of his or her functions. It is proposed to enable the Commissioner to both request de-identified information and require identifying information, dependent on the Commissioner's determination of the required level of detail. This power will be accompanied by penalties for non-compliance and clear confidentiality provisions governing the sharing of such information.

The Bill also reintroduces the concepts of a Child Development Council and Framework for Children and Young People ('framework'), which were key measures in the Government's *Child Development and Wellbeing Bill 2014* and supported in the Report. The primary function of the Child Development Council will be, in conjunction

with the Minister, the creation and maintenance of an Outcomes Framework for Children and Young People and for reporting on and promoting the framework. As this Bill abolishes the Council for the Care of Children, the Bill also vests the statutory function of reviewing legislation affecting the interests of children in the new Child Development Council.

The framework will guide the Government's work for children and young people across the state. The framework will be developed in consultation with children, young people and families and in close collaboration with state and local government bodies and the relevant industry, professional and community organisations. The Child Development Council will advise Government on the effectiveness of the Outcomes Framework (amongst other important functions) in relation to outcomes for children and young people including their safety, care, health and wellbeing; their participation in education, training, sporting, creative, cultural and other recreational activities.

The Child Development Council and the development of a framework was strongly supported by agencies and organisations originally consulted, prior to the introduction of the Government's *Child Development and Wellbeing Bill 2014.*The proposed Child Development Council and the framework were also noted by the Royal Commission Report at page 594. While existing legislation regulates and directs service provision for children and young people in specific settings and circumstances, such as in relation to education, care, health and child safety, currently there is no overarching legislative framework with an overall focus on the rights, development and wellbeing of children and young people. This Bill will change that through the implementation of the framework, which pursuant to clause 52, will require every state authority, in carrying out its functions or exercising its powers, to have regard to, and seek to give effect to, the framework.

Whilst the functions of the Guardian and CDSIRC as currently prescribed in the *Children's Protection Act 1993* remain unchanged, the Bill strengthens the ability of the Guardian and CDSIRC to not only perform said functions but to escalate matters for further action by referral to the Commissioner. For example, clause 55 of the Bill will empower the Commissioner, Guardian, or Council to require a specified person or body to provide information or documents as may be specified. CDSIRC will also have this power, pursuant to clause 33 of the Bill. A failure to comply with such a notice will constitute an offence, attracting a maximum penalty of a $10,000 fine. Further the aforementioned advocacy and oversight bodes may report the non-compliance to the Minister responsible for the State authority and include details of this in their annual reports.

Another measure in Part 5 of the Bill gives effect to Royal Commission Report recommendation 247, which states that the Guardian and CDSIRC will be empowered to refer matters to the Commissioner, where they are of the view that escalation through statutory powers available to the Commissioner is appropriate. Upon receipt of such a referral, the Commissioner may exercise the power to conduct a systemic inquiry pursuant to clause 12 of the Bill or, require a State authority to submit a report setting out the reasons for the failure or refusal to comply, which in turn must be reported to Parliament, via the Minister.

Recommendation 250 of the Royal Commission Report is also given effect so that the Commissioner, the Guardian and CDSIRC will be permitted to share de-identified data. This will greatly assist in these oversight and advocacy bodies detecting any possible trends or issues and alerting one another for further action to be taken. Importantly, this Bill also includes protections for whistleblowers, to prevent them being victimised because of providing information or intending to provide information under this legislation.

Measures contained in Part 5 of the Bill implement Royal Commission Report Recommendation 251, which states 'amend legislation to empower the Children's Commissioner or the Guardian to make complaints to the Ombudsman and the Health and Community Services Complaints Commissioner (HCSCC) on behalf of a child.' Clause 36 in the Bill, also addresses current obstacles experienced by CDSIRC in being able to communicate or refer concerns of professional misconduct for example, that have arisen in the course of undertaking their statutory functions. Currently CDSIRC is restricted from disclosing information about the circumstances of individual cases to relevant agencies or more broadly.

The final concept addressed in the Bill is clarifying complaint management and the statutory jurisdiction of agencies tasked with this function. As noted by the Royal Commission Report at page 588 to 589:

> 'At present, people with child protection complaints meet barriers to accessing services with the power to investigate their individual case. Legislative provisions surrounding jurisdiction and standing for complaints to HCSCC and the Ombudsman restrict access by people with legitimate complaints. … HCSCC is strongly orientated towards health services, and focuses on the quality and appropriateness of services provided rather than on administrative acts of decision making. The mandate to inquire into administrative acts, held by the Ombudsman, is more appropriate to the investigation of most complaints relating to child protection service. … Nevertheless, care must be taken to ensure that service-focused complaints which are more appropriately addressed through the HCSCC jurisdiction and focus, or which relate to the provision of health services, still have access to that jurisdiction.'

Finally, Schedule 1, Parts 4 and 5 give effect to Royal Commission Report Recommendations 252 and 253. Recommendation 252 proposes to amend the *Ombudsman Act 1972* to ensure that complaints about the actions of government agencies, and other agencies acting under contract to the government, concerning child protection services, find principal jurisdiction with the Ombudsman, and not the HCSCC, where the complaint is about an administrative act. As noted by the Royal Commission Report at page 589 'The mandate to inquire into administrative acts, held by the Ombudsman, is more appropriate to the investigation of most complaints relating to child protection services. … most individual child-protection complaints focus on administrative acts of the Agency.'

Royal Commission Report Recommendation 252 is reflected by two measures in the Bill. Section 13 of the *Ombudsman Act 1972* is amended to expressly remove the current barrier to a child protection complaint being investigated by the Ombudsman. Secondly a new provision has been inserted into the *Health and Community Services Complaints Act 2004,* namely section 28A. Section 28A makes clear that the HCSCC must refer a complaint that is a 'prescribed child protection complaint' to the Ombudsman to be dealt with under the *Ombudsman Act 1972*. The proposed amendments to the *Health and Community Services Complaints Act 2004* in the Bill also define 'prescribed child protection complaint'. This definition is necessary to clarify that whilst the Ombudsman will now have principal jurisdiction to investigate prescribed child protection complaints, the HCSCC will still retain jurisdiction in certain child protection complaints concerning a health or community service. Examples of when the HCSCC jurisdiction will be enlivened once these reforms are in effect are: where the child protection complaint does not involve an 'administrative act' as defined under the Act; or is of a kind declared by the regulations not to be included in the ambit of the definition; or is of a class of prescribed child protection complaint this is identified in an administrative arrangement, pursuant to clause 28A(2) of the Bill.

Royal Commission Report recommendation 253 to permit the Ombudsman to exercise the jurisdiction of the HCSCC in appropriate cases is also addressed by means of amendments to section 13 of the *Ombudsman Act 1972*. This amendment will address the concern raised by the Royal Commission Report at page 588 concerning instances when there is an overlap of jurisdiction between the Ombudsman and the HCSCC, for example a child protection complaint having elements of both an administrative act and concerns regarding quality of service by a health provider.

Currently if jurisdiction is shared, section 13(3) of the *Ombudsman Act 1972* excludes the Ombudsman's jurisdiction. This is remedied in the Bill by equipping the Ombudsman, in respect of an investigation into a child protection complaint with any additional powers that the HCSCC would have if the HCSCC were investigating such a complaint. This will enable one body, namely the Ombudsman to deal with the complaint in its entirety, including any concerns regarding the provisions of a health or community service. Section 13 of the *Ombudsman Act 1972* is further amended to ensure that a reference to an 'administrative act' will be taken to include a reference to the service activity or omission to which a child protection complaint relates. To avoid any doubt, for the purposes of conducting an investigation of a prescribed child protection complaint, the Ombudsman has the same jurisdiction and may exercise any of the powers of HCSCC as set out under the *Health and Community Services Complaints Act 2004*.

This Bill constitutes a small part of a wide range of reforms that are required in response to the recommendations made by the Royal Commission Report. As stated, there are more legislative reforms that the Government will be introducing in coming weeks regarding implementation of further Royal Commission Report Recommendations. However, other actions will need to include organisational, policy and cultural changes amongst government agencies and non-government organisations.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used throughout the Bill.

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

This clause enables criminal liability to be imposed on the Crown for contraventions of the Act.

Part 2—Commissioner for Children and Young People

Division 1—Commissioner for Children and Young People

5—Commissioner for Children and Young People

This clause requires that there be a Commissioner for Children and Young People, and that the Commissioner is independent of any direction or control of the Crown.

6—Appointment of Commissioner

This clause sets out how the Commissioner is to be appointed and removed from office.

7—Appointment of acting Commissioner

This clause enables the Minister to appoint an Acting Commissioner.

8—Delegation

This clause allows the Commissioner to delegate certain functions and powers under the measure.

9—Employees

This clause provides that the Commissioner may employ staff, and that those staff are not public service employees.

10—Use of staff etc of Public Service

This clause enables the Commissioner to make use of services of the staff, equipment or facilities of administrative units of the Public Service.

Division 2—Functions and powers of Commissioner

11—General functions of Commissioner

This clause sets out the functions of the Commissioner. In particular, the Commissioner has the function of conducting inquiries under proposed section 12 into matters related to the rights, development and wellbeing of children and young people at a systemic level. These inquiries may be made into both Governmental and non-Governmental systems.

12—Commissioner may inquire into matters affecting children and young people at systemic level

This clause empowers the Commissioner to conduct inquiries of the specified kind into matters related to the rights, development and wellbeing of children and young people at a systemic level, and makes procedural provisions relating to such inquiries.

13—Powers of Commissioner

This clause provides that, in conducting an inquiry under section 12, the Commissioner has all of the powers of a royal commission.

14—Recommendations

This clause provides that the Commissioner may make recommendations having conducted an inquiry under section 12. The clause then sets out how the Government is to respond to such recommendations, including by reporting to Parliament should certain recommendations not be implemented.

Division 3—Reporting

15—Report of inquiry under section 12

This clause requires the Commissioner to report to the Minister following the completion of an inquiry under section 12. The Minister must lay the report before both Houses of Parliament.

16—Commissioner may provide other reports

This clause provides for the Commissioner to make other reports to the Minister. The Minister must lay any such report before both Houses of Parliament.

17—Commissioner may publish reports

This clause provides that the Commissioner may, once a report under this proposed Part has been laid before each House of Parliament and after consultation with the Minister, publish all or part of the report as the Commissioner thinks fit.

Part 3—Guardian for Children and Young People

18—Guardian for Children and Young People

This requires that there continue to be a Guardian for Children and Young People, currently established under the *Children's Protection Act 1993*.

19—Terms and conditions of appointment

20—Delegation

21—Use of staff etc of Public Service

22—Functions and powers of Guardian

23—Youth Advisory Committee

24—Reporting obligations

25—Guardian may provide other reports

These clauses collectively continue the current procedural arrangements in respect of the Guardian. Those provisions have been relocated from the *Children's Protection Act 1993* in accordance with the recommendation of the Royal Commission into child protection systems to locate these provisions into one Act, with slight amendments made to ensure consistency amongst similar provisions under this measure.

Part 4—Child Death and Serious Injury Review Committee

26—Continuation of Child Death and Serious Injury Review Committee

This clause continues the Child Death and Serious Injury Review Committee, established under the *Children's Protection Act 1993*, in existence following the repeal of that Act.

27—Terms and conditions of members

28—Presiding member

29—Procedures of the Committee

30—Delegation

31—Use of staff and facilities etc

32—Functions of the Committee

33—Powers of Committee

34—Reporting obligations

These clauses collectively continue the current procedural arrangements in respect of the Committee. Those provisions have been relocated from the *Children's Protection Act 1993* in accordance with the recommendation of the Royal Commission into child protection systems to locate these provisions into one Act, with slight amendments made to ensure consistency amongst similar provisions under this measure.

Part 5—Referral of matters

35—Guardian or Committee may refer matter to Commissioner

This clause provides that the Guardian or the Committee may refer certain matters of which the become aware to the Commissioner for action under proposed Part 2 of this measure.

36—Commissioner, Guardian and Committee may report, and must refer, certain matters to appropriate body

This clause requires the Commissioner, the Guardian or the Committee to refer matters that raise the possibility of corruption, misconduct or maladministration in public administration to the Office for Public Integrity. The clause also permits those bodies to report matters relating to professional misconduct or unprofessional conduct to the relevant regulatory body.

37—Commissioner and Guardian may make complaints to Ombudsman

This clause enables the Commissioner or the Guardian to report certain matters to the Ombudsman, and for such complaints to be treated as if they were complaints under the *Ombudsman Act 1972*, and confers such jurisdiction and powers on the Ombudsman in respect of the complaint as the Health and Community Services Complaints Commissioner would have under the *Health and Community Services Complaints Act 2004*.

38—Commissioner and Guardian may make complaints to Health and Community Services Complaints Commissioner

This clause enables the Commissioner or the Guardian to report certain matters to the Health and Community Services Complaints Commissioner under the *Health and Community Services Complaints Act 2004*, and for such complaints to be treated as if they were complaints under that Act.

39—Immediate reports to Parliament

This clause enables the Commissioner, the Guardian or the Committee may make a report to the Parliament on any matter related to their functions under this measure if satisfied that the matter raises issues of such importance to the safety or wellbeing of children and young people that the Parliament should be made aware of the matter as a matter of urgency. The clause also makes procedural provision in respect of such reports.

40—Referral of matters to inquiry agencies etc not affected

This clause clarifies the fact that nothing in this measure prevents a matter from being referred to an inquiry agency or any other appropriate person or body at any time.

Part 6—Child Development Council

Division 1—Child Development Council

41—Establishment of Child Development Council

This clause establishes and describes the Council and its composition.

42—Terms and conditions of membership

This clause sets out the terms and conditions of members of the Council, including that they will hold office for 2 year terms and may be reappointed.

43—Presiding member and deputy presiding member

This clause requires the Minister to appoint a presiding member, and deputy presiding member, of the Council.

44—Delegation

This clause is a delegation power in respect of the Council's functions and powers under the measure.

45—Committees

This clause allows the Council to establish committees under the measure.

46—Council's procedures

This clause sets out the procedures of the Council, including a requirement that it meet at least 6 times per calendar year.

47—Commissioner or representative may attend meetings of Council

This clause provides that the Commissioner, or his or her representative, may attend (but not vote in) meetings of the Council.

48—Use of staff etc of Public Service

This clause enables the Council to use public service staff and facilities, in accordance with an agreement with the relevant Minister.

49—Functions and powers of Council

This clause provides that the primary function of the Council is to prepare and maintain the *Outcomes Framework for Children and Young People*.

This clause also sets out further functions (ie, in addition to preparation of the Outcomes Framework) of the Council under the measure.

50—Reporting obligations

This clause sets out the reports that the Council must make to the Minister, and requires that the Minister to lay the annual report of the Council before Parliament.

Division 2—Outcomes Framework for Children and Young People

51—Outcomes Framework for Children and Young People

This clause requires the Council to prepare an Outcomes Framework for Children and Young People, and sets out procedural matters in respect of the making etc of the framework.

52—Statutory duty of State authorities in respect of Outcomes Framework

This clause imposes a statutory duty on each State authority to have regard, and give effect, to the outcomes framework in carrying out its functions or exercising its functions and powers.

Part 7—Information gathering and sharing

53—No obligation to maintain secrecy

This clause provides that no obligation to maintain secrecy or other restriction on the disclosure of information applies in relation to the disclosure of information to the Commissioner, the Guardian or the Committee under this Act, except an obligation or restriction designed to keep the identity of an informant or notifier secret.

54—Commissioner may require State authority to provide report

This clause enables the Commissioner to require a State authority to prepare and provide a report to the Commissioner in relation to the matters, and in accordance with any requirements, specified in the notice. The clause also makes procedural provision in relation to con-compliance with a requirement by a State authority.

55—Commissioner, Guardian or Council may require information

This clause enables the Commissioner, the Guardian or the Council to require a person or body (whether or not the person or body is a State authority, or an officer or employee of a State authority) to provide to them certain specified information and documents. A failure to comply with a requirement is an offence. The clause also makes procedural provision in relation to non-compliance with a requirement by a State authority.

56—Sharing of information between certain persons and bodies

This clause enables certain specified bodies to freely exchange certain information between each other where the information would assist in the performance of child-related functions and managing risks to children and young people.

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

This clause clarifies the relationship between this proposed Part and the operation of the proposed *Public Sector (Data Sharing) Act 2016*.

Part 8—Miscellaneous

58—Obstruction etc

This clause creates an offence for a person to obstruct, hinder, resist or improperly influence, or attempt to obstruct, hinder, resist or improperly influence, the Commissioner, the Guardian, the Committee or the Council in the performance or exercise of a function or power under the measure.

59—False or misleading statements

This clause creates an offence for a person to make a statement knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) in information provided under the measure.

60—Confidentiality

This clause is a standard clause preventing confidential information obtained in course of official duties from being disclosed other than in the circumstances set out in the clause.

61—Victimisation

This clause is a standard provision enabling a person who is victimised for having provided information under the measure to take action in respect of the victimisation either as a tort or under the *Equal Opportunity Act 1984*.

62—Protections, privileges and immunities

This clause limits the liability of persons for the purposes of the measure, and sets out the protections, privileges and immunities applying to certain persons.

63—Service

This clause sets out how documents etc under the measure can be served on a person or body.

64—Regulations

This clause is a standard regulation making power.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Children's Protection Act 1993*

2—Repeal of Part 7A

3—Repeal of Part 7B

4—Repeal of Part 7C

These clauses make consequential amendments to the *Children's Protection Act 1993* in accordance with the recommendation of the Royal Commission into child protection systems to locate the provisions relating to certain bodies into one Act.

Part 3—Amendment of *Freedom of Information Act 1991*

5—Amendment of Schedule 2—Exempt agencies

This clause amends Schedule 2 of the principal Act to add the Commissioner, the Guardian, the Committee and the Council established or continued under this measure to the list of exempt agencies under that Act.

Part 4—Amendment of *Health and Community Services Complaints Act 2004*

6—Amendment of section 4—Interpretation

This clause amends the definition of community service to make a consequential amendment.

7—Amendment of section 27—Time within which a complaint may be made

This clause amends section 27 of the principal Act to remove the limitation period for making a complaint where the complaint is made by the Commissioner under this measure.

8—Insertion of Part 4 Division 1A

This clause inserts new Part 4 Division 1A into the principal Act, requiring the Health and Community Services Complaints Commissioner to refer certain complaints under the principal Act relating to children and young people to the Ombudsman.

Part 5—Amendment of *Ombudsman Act 1972*

9—Amendment of section 13—Matters subject to investigation

This clause amends section 13 of the principal Act to extend the jurisdiction of the Ombudsman to investigate, as the jurisdiction of first choice, complaints relating to administrative acts concerning children and young people.

10—Amendment of section 15—Persons who may make complaints

This clause amends section 15 to disapply the section in respect of complaints made by the Commissioner or the Guardian under this measure.

11—Amendment of section 16—Time within which complaints may be made

This clause amends section 16 of the principal Act to remove the limitation period for making a complaint where the complaint is made by the Commissioner or the Guardian under this measure.

Part 6—Transitional provisions

12—Guardian for Children and Young People

This clause continues the appointment of the current Guardian for Children and Young Persons as the Guardian under the measure.

Standing Orders Suspension

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:19): I move:

The suspension of standing orders in order to proceed and continue the second reading debate.

The Hon. J.R. RAU: I have another bill that I wish to introduce. I would prefer to introduce the other bill and then we can get straight back to it. I am happy to do that.

Ms Chapman interjecting:

The Hon. J.R. RAU: Okay, I do not mind. I would prefer to have the other one formally introduced—

The SPEAKER: The deputy leader has moved that standing orders be so far suspended as to enable the bill to pass all stages without delay.

The Hon. J.R. RAU: I am happy with that, but I hope we can do the other one in the same way.

The SPEAKER: There being an absolute majority present, I accept the motion. Is it seconded?

Mr GARDNER: Yes, sir.

The SPEAKER: It is seconded by the member for Morialta. I will put it forthwith.

Motion carried.

Second Reading

Mr MARSHALL (Dunstan—Leader of the Opposition) (11:20): I rise to speak on this bill. I commend the government for bringing this bill to the house. It is a very important bill that will put protections in place for the most vulnerable children in South Australia. The Attorney-General in his second reading speech today made it very clear that there have been multiple recommendations for the establishment of a commissioner for children and young people over many years here in South Australia. He is quite correct.

We remain the only state in Australia without a commissioner for children and young people, and it is about time we fixed this. This was originally a recommendation to this government back in 2003 and, since then, the government has been dragging the chain. I am very proud to lead a party which is in the parliament this week and an opposition which is prepared to sit as long as we need

to put the necessary legislation in place to, once and for all, fix our broken child protection system here in South Australia. That is exactly what we will do this week.

No more politics, no more delays, let us just get on with the things which are going to protect the most vulnerable children here in our state. It is interesting to note, though, that, with the Attorney-General's speech, he outlines the various features of this bill. Of course, this is very, very different from the bill which the government had put previously. In fact, it is very, very similar to that bill which has passed in the other place and was back here sitting in the House of Assembly for a long period of time, which was not proceeded with by this government.

This government has made multiple promises to the people of South Australia to establish the very important office of a commissioner for children and young people in this state. Most recently, they promised that they would do this by the end of 2013. We are resolved to make sure that we do everything possible on this side of the house to make sure that this becomes a reality as soon as possible.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:22): I contribute to this debate by simply adding that, in addition to the opposition supporting the passage of this bill, the Attorney-General has been requested during the course of the public consultation on this bill, of which two drafts have been published by the government online, to provide to the opposition a copy of all submissions prepared and submitted by stakeholders and members of the public.

The Attorney-General has written to the opposition confirming that he will consider whether we are allowed to see them or not. I have had no further follow-up from that and I indicate that I find that absolutely shameful. We have been debating this legislation, in a form of reports or drafts, for 13 years under this government and here we come to the pointy end, to the determination by the government that they will actually acquiesce to Margaret Nyland's report and her recommendations and yet, at this end, we are not allowed to see the submissions of stakeholders, of South Australians who, after such a long battle, have presented submissions to the government for amendment.

One thing that I will say that has come from this period of consultation is the removal of what I would consider the scandalous attempt by this government to have the wholly-owned control of who a commissioner should be. If a commissioner is to be independent, as our police commissioner is, and the like, in this state, then they must be appointed through a proper process.

The government has acquiesced to amend that in order to make provision for the Statutory Officers Committee to be able to review the applicants and put recommendations, and secondly to allow for the removal of the officer by this parliament, if ever required, just as we have with the electoral commissioner and other important persons in statutory office. So, that has been included, and I welcome that. We can have argy-bargy about investigative powers, but let's be absolutely clear: the opposition has always said that if we are going to have a commissioner, which we want and which has been recommended from Robyn Layton, it must have investigative powers.

Whether it is for an individual case to determine the reason why something has happened or the purposes of statutory and systemic reform, we must have it in this bill, and we thank Margaret Nyland for having the courage in her report to say to this government and this parliament that this is a necessary prerequisite for the purpose of having a commissioner for children and young people in this state. Well done, Ms Nyland, and thank you for that recommendation. At last, this parliament has an opportunity to pass this important piece of legislation. As for the Attorney-General, I hope he is writing up the advertisement as we speak to get this matter on the road.

Ms SANDERSON (Adelaide) (11:25): I, too, rise to support the government's introduction for the establishment of a children's and young person's commissioner. I also note that this was first recommended in 2003 by Robyn Layton, and it really has taken such a very long time. How many children have been put at risk by that delay? I welcome that this was also followed up by Margaret Nyland in her recent royal commission and I am also very pleased that the government has acted with great haste to bring this through. It is a welcome introduction today.

There were always two things we have been working on with this bill. The Liberal Party introduced a bill to establish a children's commissioner several years ago and there were always two sticking points. They have been addressed in this bill. One of those was the independence of the

commissioner. As we know, the person who hires and fires a person makes that office not independent, so if the minister could hire and fire the commissioner, that would not be an independent office. I welcome the fact that the Statutory Officers Committee of the parliament will also be involved in that appointment.

The second sticking point was always the investigative powers. Whilst it was never the intention of the Liberal Party for each individual case to be taken to the commissioner, it was important that an individual case could be investigated if it established a systemic issue. We saw that with the Margaret Nyland report where she had case studies herself. In order to prove a case and to make the changes that are necessary, you must be able to investigate an individual case, and that is all the Liberal Party was ever asking for. I welcome the fact that the government has now finally agreed to both the independence of the office and the investigative powers that the Liberal Party has been asking for for several years.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:28): I thank those opposite who have spoken. I thank them for their support and for the brevity and directness of their remarks. I wish the bill a speedy passage.

Bill read a second time.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILD SAFETY (PROHIBITED PERSONS) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:30): Obtained leave to introduce a bill for an act to minimise the risk to children posed by persons who work or volunteer with them; to provide for the screening of persons who want to work or volunteer with children; to provide for a system of accountability for persons working or volunteering with children; to prohibit those who pose an unacceptable risk to children from working or volunteering with children; to provide for a central assessment unit to undertake screening of persons who want to work or volunteer with children; and, for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (11:31): I move:

That this bill be now read a second time.

The Child Safety (Prohibited Persons) Bill 2016 aims to minimise the risk to children posed by people who work or volunteer with them. In order to achieve this aim, the bill provides a framework for the prohibition of persons who pose an unacceptable risk to children from working or volunteering with children. This objective is stated in the bill.

Under the bill, persons wanting to work or volunteer with children are required to undertake a working with children check every five years. This check is undertaken by a central assessment unit and a person can be prohibited from working with children or volunteering with children. The bill

specifically provides that the paramount consideration in respect of the administration, operation and enforcement of this new regime is the best interests of children, having regard to their safety and protection.

This is an important reform that is firmly focused on protecting the safety and wellbeing of children. It is very important, however, that people are not lulled into a false sense of security, and hence the bill focuses on people being prohibited to work with children or not rather than being cleared to do so.

Reflecting this, the bill provides for a number of principles that must be taken into account in connection with the administration, operation and enforcement of the act, including:

- a working with children check relating to a person is conducted by the central assessment unit to determine (based on an assessment of information available to the central unit):
  - whether the person poses an unacceptable risk to children; and
  - whether the person should be prohibited from working with children;
- persons who pose an unacceptable risk are to be prevented from working with children;
- a working with children check is not (I emphasis this—is not) a determination of a person's suitability to work with children, and cannot be relied upon as such, and in particular:
  - a working with children check that does not result in a person being prohibited from working with children is not proof of good character; and
  - a working with children check that does not result in a person being prohibited from working with children is not proof that the person does not pose a risk to children;
- a working with children check is an assessment of a person's prior conduct, and the fact that working with children checks are conducted in relation to an employee does not in and of itself satisfy the employer's obligation, nevertheless, to ensure that the workplace is safe for children; and
- organisations and employers must have in place comprehensive strategies to ensure child-safe environments.

The bill adopts a number of recommendations of royal commissioner Nyland of the South Australian Child Protection Systems Royal Commission as well as recommendations made by the commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse as set out in its final recommendations on working with children checks. The bill represents the adoption of recommendations 238(a) to (c) of the SA royal commission, being that a stand-alone legislative instrument is enacted to regulate the screening of individuals engaged in child-related work, which:

- declares that the paramount consideration in screening assessment must be the best interests of children, having regard to their safety and protection;
- invests powers in only one authorised government screening unit which is charged with maintaining a public register of all clearances and their expiration dates; and
- empowers the screening authority to take into account in its assessments criminal offence and child protection history, professional misconduct or disciplinary proceedings, and deregistration as a foster parent or other type of carer under the Family and Community Services Act 1972.

Under the bill, this screening authority is the central assessment unit and the public register is referred to as the records management system. In addition, under the bill, a screening is a working with children check. Recommendation 238(d) states that the legislation should provide a clear definition of child-related work, including the meaning of 'incidental or usual contact'. This will be adopted through the use of regulations facilitated in the bill. The bill also adopts recommendations 238(e) to (g) such that the bill:

- declares that the outcome of a screening assessment will be limited to either a clearance or a refusal and that all applications, even if withdrawn, will be assessed;
- requires individuals to seek and maintain a personal clearance, valid for a period of up to five years, through a card or unique electronic identifier system, which has portability across roles and organisations in the state, and to notify the screening authority of relevant changes in their offence, conduct or child protection circumstances; and
- requires employers to ensure that all relevant personnel in their organisations, at all times, hold current clearances.

The bill also adopts recommendations 238(h)(i), (ii) and (iv) by precluding exemptions from screening requirements for registered teachers, applicants waiting on screening outcome decisions and those who have been refused a working with children check. Recommendation 238(h)(iii) stated that legislation should preclude exemptions from screening requirements for those working or volunteering with children who are in care.

The government's intention is to consider this recommendation and determine how it can be adopted in a balanced way, by way of regulations, that ensures the privacy of children in care is not unnecessarily jeopardised. By precluding the application of some exemptions to children in care, people who would not otherwise need to know may need to be told that a certain child was in care. Recommendations 238(i) and (j) are also adopted so that the legislation includes:

- new offences for individuals or organisations who fail to comply with the provisions of the legislation, including engagement in or for child-related work without a clearance and dishonesty in the application process; and
- permits appeals from decisions of the screening authority to the South Australian Civil and Administrative Tribunal or another independent body.

The bill facilitates the adoption of the SA royal commission recommendation 239 by allowing continuous monitoring such that changes in screened individuals' circumstances are communicated to the screening authority, that clearances are reviewed and that changes are reflected in the register and communicated to employers. Recommendations 240(a) to (d) are adopted in the bill so that the screening authority:

- has access to forensic expertise in child protection and behavioural indicators of risk;
- has to develop a consolidated set of standards, matrices and weighted guidelines for use in screening assessments that include substantiated and unsubstantiated criminal, child protection and disciplinary matters, and ensure that assessors are appropriately trained in their application;
- through the regulations, will develop guidelines for ensuring that applicants are afforded appropriate procedural fairness, including circumstances in which information may be withheld from applicants;
- has to develop and promulgate timeline benchmarks for screening outcomes and procedures for informing applicants whose clearances may fall outside benchmark times.

Recommendation 240(e), to develop information sharing protocols with interstate screening units, whilst supported, is not appropriate for inclusion in the legislation, but can be facilitated administratively. The bill also facilitates recommendation 241, to develop an independent mechanism and evaluation process for reviewing the performance of the screening authority.

By establishing a central assessment unit to undertake all working with children checks on application by an employee that are portable and valid for five years, the bill also reflects South Australia's support for the commonwealth royal commission recommendations concerning working with children checks. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

The Cth Royal Commission supported the establishment of a national model for working with children checks, which South Australia supports and is facilitating by largely adopting the recommended elements of what constitutes working with children and providing flexibility in the Bill for key terms (such as the different elements that constitute working with children, what constitutes incidental contact with children, what is assessable information) to be fully or partially defined in the regulations.

There is one particular recommendation of the Cth Royal Commission that has, however, not been adopted. The Cth Royal Commission supported a scheme whereby a person could commence working or volunteering with children whilst awaiting the outcome of their working with children check. This was not supported by the SA Royal Commission and the Government has chosen to adopt the approach recommended by Royal Commissioner Nyland whereby a person cannot commence working or volunteering with children until their working with children check has been undertaken and they have not been prohibited.

The Government supports the views expressed by Royal Commissioner Nyland concerning this issue.

Taking into account the scheme as proposed under the Bill, where working with children checks are portable and valid for five years, it is an unnecessary risk to children to allow people to commence employment before the working with children check has been completed.

Under the Bill, a central assessment unit is tasked with assessing, on application by a person, whether that person would pose an unacceptable risk to children and whether they should therefore be prohibited from working or volunteering with children. This is referred to as a working with children check.

Under the Bill, guidelines will be developed and will be gazetted in relation to:

- procedures to be followed by the central assessment unit when conducting working with children checks; and
- standards to be applied by the central assessment unit when determining the weight to be given to evidence of a specified kind; and
- benchmarks for periods within which certain applications for working with children checks are to be processed by the central assessment unit; and
- the risk assessment criteria to be used by the central assessment unit in conducting working with children checks.

In addition, regulations will be made that will provide for procedural fairness in the exercising of powers or the performing of functions under the Bill.

The Bill also provides the central assessment with powers to require others to provide the unit with information.

Under the Bill, a person is provided with a unique identifier and once the assessment is done, the central assessment unit can then issue a prohibition notice, stating the person is a prohibited person, thereby banning the person from working or volunteering with children (as defined under the Bill).

The Bill provides that it is an offence for a prohibited person to work or volunteer with children, and it is also an offence to employ or allow a person to volunteer with children if they are prohibited.

Under the Bill, it is also an offence to employ a person or allow them to volunteer with children unless they have undertaken a working with children check in the last five tears, and an offence for any person to work or volunteer with children without having undertaken a working with children check in the last five years.

It is also an offence for any person to falsely represent that a working with children check has been conducted in relation to the person (or any other person) within the preceding 5 years that the person (or any other person) is not prohibited from working with children. In addition, when a working with children check is undertaken, the person will be given a unique identifier. Using that unique identifier and a person's full name and date of birth, it will be possible for a person to determine whether a working with children check has been undertaken in the last five years and whether the person was prohibited from working or volunteering with children.

Under the Bill, certain people are excluded from having to undertake a working with children check. This includes members of South Australia Police and the Australian Federal Police, as well as any person who employs a child or who supervised a child in employment where the work undertaken is not child-related.

The Bill sets out the steps an employer must take if employing a person to work with children. The terms in the Bill are defined in such a way that these provisions also apply to any organisation that is engaging a person to volunteer with children.

The Bill requires the employer to obtain from the person their full name, date of birth and the unique identifier issued to them by the central assessment unit when they undertook the working with children check.

Using this information, the employer then verifies in accordance with regulations that a working with children check has been conducted in the last five years in relation to the person and that the person has not been prohibited from working with children.

When undertaking this verification, the employer will also need to provide the central assessment unit with the name, address and telephone number and email address of the business or organisation at which the person will be employed (or will volunteer) and the name and contact details of the person who undertook the verification.

The employer also becomes liable to provide certain information to the central assessment unit about the person if they become aware of it.

In addition, a person who has been issued with a unique identifier is also required to provide the central assessment unit with certain information, such as whether they become prohibited from working with children interstate or whether they become a registered offender under the *Child Sex Offenders Registration Act 2006* (SA).

In addition to employer being able to verify that a person has undertaken a working with children check and is not a prohibited person, any person who is responsible for a child (for example, a parent) in respect of whom child-related work is, or is to be, performed by a person may also require the person to provide their full name, date of birth and unique identifier. The responsible person can then access the records management system to verify that a person has undertaken a working with children check and is not a prohibited person.

The central assessment unit can also undertake a working with children check about a person at any time, meaning that if information comes to the attention of the central assessment unit about a person to whom a unique identifier has been issued, the central assessment unit can re-assess the person and if appropriate, issue a prohibition notice.

Through the contact information that the employer (or organisation) provides, the central assessment unit can then also comply with obligations under the Bill the unit has to notify known employers if the person has been prohibited from working with children, if more than five years has passed since the person's most recent working with children check was conducted or whether their unique identifier has changed.

The effect of this Bill is to significantly improve how people in South Australia, who wish to volunteer or work with children, are screened.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Objects, principles and guidelines

3—Object and principles

This clause sets out the objects of the Act - to minimise the risk to children posed by persons who work with them - and sets out principles that must be taken into account in connection with the administration, operation and enforcement of the measure.

4—Guidelines

This clause enables the Minister to publish guidelines for the purposes of the measure.

Part 3—Interpretation and provisions relating to application of Act

5—Interpretation

This clause defines terms and phrases used in the measure.

6—Meaning of child-related work and work with children

This clause defines what working with children means in terms of the operation of the measure.

7—Meaning of employed, employee and employer

This clause defines what these terms mean for the purposes of the measure, in particular by extending the terms to include self-employed person and volunteers etc.

8—Meaning of assessable information

This clause sets out the information to be assessed in the course of a working with children check.

9—Meaning of excluded person

This clause sets out the definition of excluded persons, being persons to whom certain provisions of the measure do not apply.

10—Criminal intelligence

This clause enables certain information classified by the Commissioner of Police to not be disclosed.

11—Procedural fairness

This clause provides that the central assessment unit and the Registrar, in exercising powers or performing functions under the measure, need not afford a person procedural fairness except where the regulations provide otherwise.

12—Interaction with other Acts and laws

This clause clarifies the interaction between the measure and other Acts and laws.

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

This clause expressly provides that the measure can impose criminal liability on the Crown, as required under the *Acts Interpretation Act 1915*.

14—Exemptions

This clause confers on the Minister the power to exempt a specified person, or a specified class of persons, from the operation of the measure. However, subclause prevents exemptions from being granted to certain persons.

Part 4—Restrictions on working with children

Division 1—Persons who cannot work with children

15—Prohibited persons not to work with children

This clause defines who are 'prohibited persons' for the purposes of the measure.

The clause prohibits those persons from working with children, and creates offences for those contravenes the provision.

Similarly, an employer who employs a prohibited person also commits an offence.

16—Working with children without current working with children check prohibited

This clause creates an offence for a person to work with children if the person has not had a working with children check conducted in the preceding 5 years.

Division 2—Steps employers must take in relation to employing person

17—Steps employers must take before employing person in prescribed position

This clause prescribes a series of steps that must be taken by an employer before they employ a person in a position in which they may work with children. The steps are intended to verify that the person is not prohibited from working with children.

An employer who contravenes the proposed section is guilty of an offence.

18—Employer to ensure working with children check conducted at least every 5 years

This clause requires an employer to verify that working with children checks are conducted in respect of their employees, and that those employees are not prohibited persons, with an offence committed by those who do not do so.

19—Employer to advise central assessment unit of certain information

This clause requires employers of people employed in positions in which they may work with children to notify the central assessment unit if they become aware of the matters specified in subclause (1), with an offence committed by those who do not do so.

Part 5—Working with children checks

Division 1—Central assessment unit

20—Central assessment unit

This clause requires a central assessment unit to be established.

21—Functions

This clause sets out the functions of the central assessment unit.

22—Registrar

This clause requires a Registrar of the central assessment unit to be appointed, and makes procedural provision accordingly.

23—Powers of delegation

This clause is a standard delegation power.

24—Evaluation of central assessment unit

This clause requires the Minister to evaluate the performance of the central assessment unit, with the scheme for doing so to be set out in the regulations.

Division 2—Working with children checks

25—Working with children checks to be conducted by central assessment unit

This clause provides that working with children checks can only be conducted by the central assessment unit.

26—Nature of working with children check

This clause explains the nature of a working with children check, providing that the check consists of the central assessment unit assessing assessable information relating to a person against the prescribed risk assessment criteria to determine whether or not the person poses an unacceptable risk to children.

27—Application for working with children check

This clause sets out how a person can apply for a working with children check.

28—Working with children check to be conducted even if application withdrawn

This clause requires a working with children check to be conducted once an application is made, even if the application is subsequently withdrawn.

29—Unique identifiers

This clause requires the central assessment unit to issue a unique identifier to the persons specified in the clause. That identifier is used to identify the person for the purposes of the measure, including inspecting the records management system.

30—Central assessment unit may conduct additional working with children checks

This clause empowers the central assessment unit to conduct working with children checks on persons despite no application having been made.

31—Central assessment unit may seek external advice

This clause enables the central assessment unit to seek professional advice in respect of determinations under the measure (for example, psychological or legal advice).

32—Issue of prohibition notice

This clause requires the central assessment unit to issue a prohibition notice to each person who is to be prohibited from working with children (the issue of the notice is the vehicle for prohibition under proposed section 15).

33—Revocation of prohibition notice

This clause sets out the limited circumstances in which a prohibition notice may be revoked by the central assessment unit, and makes procedural provision in respect of applications for such revocations.

Division 3—Records management system

34—Records management system

This clause requires the Registrar of the central assessment unit to establish and maintain a records management system for the purposes of the measure.

The clause sets out requires for the form and content of the system.

35—Inspection of records management system

This clause sets out how, and by whom, the records management system may be inspected, and requires that evidence of inspection be provided to a person who inspects the system.

Division 4—Information gathering powers etc

36—Registrar may require information from public sector agencies

This clause confers on the Registrar the power to require public sector agencies to provide to the Registrar certain information in its possession. The clause makes provision for any failure to comply on the part of agencies.

37—Registrar may require information from other persons

This clause confers on the Registrar the power to require specified persons to provide to the Registrar certain information in his or her possession. Failure to comply with a requirement constitutes an offence.

38—Court to provide notice of certain findings of guilt to central assessment unit

This clause requires a court that finds a person guilty of a prescribed offence to provide prescribed information relating to the finding of guilt to the central assessment unit.

39—Commissioner of Police to provide information to central assessment unit

This clause requires the Commissioner of Police to provide to the central assessment unit prescribed information relating to any person who is charged with a prescribed offence.

40—Certain persons to advise central assessment unit of changes in information

This clause requires a person to whom a unique identifier has been issued to notify the central assessment unit if any of the specified events occurs, with an offence created for those who refuse or fail to comply.

41—Central assessment unit to advise employer of certain information

This clause requires the central assessment unit to notify employers of persons if the person becomes a prohibited person, or more than 5 years have passed since the person's last working with children check, or the person changes their unique identifier.

42—Central assessment unit to advise prescribed persons and bodies of certain information

This clause requires the central assessment unit to notify certain persons and bodies if a person relevant to the person or body becomes a prohibited person, or more than 5 years have passed since the person's last working with children check, or the person changes their unique identifier. This is intended to include regulatory and licensing bodies.

Part 6—Review of decisions by South Australian Civil and Administrative Tribunal

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

This clause confers jurisdiction on the SACAT in respect of the review of certain reviewable decisions under the measure.

Part 7—Miscellaneous

44—Parents etc may require person to provide unique identifier

This clause requires a person who is performing, or is to perform, child-related work in respect of a child to produce their unique identifier, or to verify that they are not a prohibited person electronically, to the person responsible for the child at the request of that person. An offence is created for a contravention of the proposed section.

45—Misrepresentations relating to working with children check

This clause creates offences for persons who falsely represent certain matters.

46—False or misleading statements

This clause creates an offence for a person to knowingly make a false or misleading statement in information provided under the measure.

47—No obligation to maintain secrecy

This clause provides that obligations to maintain secrecy, or other restrictions relating to disclosure of information, under other Acts or laws do not apply to the disclosure of information to the central screening unit under this measure, other than an obligation or restriction designed to keep the identity of an informant secret.

48—Limitation of liability

This clause confers immunity from liability in respect of an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a power, function or duty conferred or imposed by or under the measure.

49—Confidentiality

This clause is a standard confidentiality provision restricting the disclosure of confidential information.

50—Victimisation

This clause makes provision for where a person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has provided, or intends to provide, information under the measure, allowing the person to choose to recover in tort or through the *Equal Opportunity Act 1984*.

51—Service

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

52—Evidentiary provision

This clause provides that certain matters may be proved in legal proceedings by way of allegations in the information or certificate signed by the Registrar.

53—Regulations

This clause is a standard regulation making power.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (11:42): I move:

That the debate be adjourned on motion.

I think that is the simplest way to do it, isn't it?

The SPEAKER: We are seeing if we need to suspend standing orders to do that. It can be adjourned to a later time without a motion for suspension, so I am taking the deputy leader's motion.

Motion carried.

STATUTES AMENDMENT (BUDGET 2016) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 August 2016.)

Mr VAN HOLST PELLEKAAN (Stuart) (11:43): It is my pleasure to rise on behalf of the people of Stuart to speak very briefly on the Statutes Amendment (Budget 2016) Bill. While there is an enormous amount of material that I could go to in this place with regard to this bill, I am going to contain my remarks to one issue, and that is the place of gambling consumption tax that has been brought into the budget by the government. The reason I do this is not because I think that gambling needs any support, particularly, but because it is just another example of how this government is a handbrake upon our state's economy.

Members interjecting:

The DEPUTY SPEAKER: Order! There is too much noise. I cannot hear the member for Stuart. All conversations need to leave the chamber.

Mr VAN HOLST PELLEKAAN: I say again that I have no desire to sing the praises of the gambling industry per se, but I do want to highlight that this is another industry that the government is penalising through its budget. It penalises many others unfairly. When it penalises this industry and others it disadvantages South Australia and South Australians. I will read an excerpt from a letter that has been sent to me:

This unfair Punters' Tax, that specifically targets South Australians, will make online wagering in South Australia more expensive than anywhere in the world and ultimately mean South Australian recreational punters bear the brunt of the tax through worse odds and less markets. The Punters' Tax will also significantly harm our local racing industry and potentially push punters like me to use unregulated, offshore betting sites that pay no Australian taxes whatsoever and have no interest in the integrity of Australian racing and sport.

The State Government should never stand in the way of my legitimate interests and leisure pursuits, nor treat punters like a cash cow. This tax is completely contrary to this. Targeting South Australian consumers who bet online is the thin edge of the wedge. Should I be paying more for my music online because I live here too?

That is the thrust of the public's view with regard to this tax. It disadvantages our state even further. For the benefit of the house, I will give a bit of background with regard to how this tax would actually be implemented. Technology enables tracking of a customer's name, address, IP address and payment method to inhibit possible fraud and money laundering. The source of funds and the

destination of funds can be identified. A customer's betting history is readily available and can be used to identify any potential problem gambling issues and any unusual or suspicious betting activity.

I support without any doubt the need to ensure that we have no fraud in these industries, and I wholeheartedly support the need to identify and support anybody who might have a gambling problem. While I have no doubt that it is interested in those things, what the government is more interested in is the $9.2 million per year of new revenue that it will bring in. The government is clearly targeting these betting agencies. As has been quite clearly stated in the quote that I read out, this will actually push some participants in the industry to other offshore offerings outside of the ones that the government can control, so those desired outcomes of reducing fraud and supporting problem gambling will not be achieved by this and it certainly will inhibit the South Australian economy.

We have the highest taxes in the nation. This is another new measure that the government has introduced on top of the ever increasing emergency services levy, land tax, stamp duty and NRM levies, and under this regime we have the highest unemployment in mainland Australia. We quite often have the highest unemployment in all of Australia, including Tasmania. This is completely unsatisfactory. The fact that the government keeps taxing new parts of our economy year after year is directly contributing to the poor state of the South Australian economy, including the very high unemployment rate that we have here.

Let me put on the record that the industries, particularly the racing industries in South Australia which would be very seriously harmed by this budget measure, are incredibly important employers. I am sorry I cannot remember exactly, but it is something like the fifth or sixth largest employing industry in Australia. At a time when we need to be supporting employment as much as we possibly can, it is absolutely crazy to be thinking up new taxes to tax industries in ways that they have not been taxed in the past which will, without any doubt whatsoever, lead to those industries employing fewer people.

Let me finish by saying that I am not saying for a second that gambling is good. What I am saying is that it is completely unfair for the government to be hunting out every corner of the South Australian economy and applying new taxes in new ways to new industries because that is bad for our economy, and what is bad for our economy is bad for our society, because a healthy economy and a healthy community structure go hand in hand: you cannot have one without the other.

Ms HILDYARD (Reynell) (11:50): I also rise today to speak about one aspect of the Statutes Amendment (Budget 2016) Bill, that of the consumption tax on net wagering revenue. This issue is incredibly important as it ensures that large corporations pay their fair share of tax and, additionally, that resources are allocated to ensuring that our most vulnerable South Australians with a gambling problem get the support that they need. It also ensures that the profits of online operators who take bets in South Australia, often from our fellow South Australians, are taxed.

This bill makes amendments to the Authorised Betting Operations Act 2000 to introduce a place of consumption tax of 15 per cent on net wagering revenue. Effective from 1 July 2017, it will apply to all net wagering revenue from persons located in South Australia by all Australian-based wagering operators. I believe that if betting companies are making profits from average South Australian punters they should be paying tax in South Australia not in whichever jurisdiction their head office and servers happen to be located.

The place of consumption tax will apply to bets on horse, harness and greyhound racing and bets on sports such as AFL, cricket and soccer. It will also apply to other bets such as those on the winner of the federal election or the Academy Awards. The betting industry is rapidly changing and our tax regime needs to change with it. By implementing a wagering tax based on the place of consumption we are ensuring that businesses are paying taxes in the jurisdiction in which they are making their money.

South Australia will be the first Australian jurisdiction to introduce a wagering tax based on the place of consumption. A tax-free threshold of $150,000 net wagering revenue per year is proposed for all wagering operators. Based on 2014-15 data, the wagering tax is expected to raise around $9.2 million each year in new revenue. Importantly, from the revenue raised, $500,000 will be contributed annually to the Gamblers Rehabilitation Fund, the first time the industry will have contributed to this fund in this way.

This will ensure that the wagering industry contributes its fair share to help fund services to support and rehabilitate people affected by problem gambling. This is an incredibly important part of this policy as the social cost to our community of problem gambling in Australia is estimated to be at least $4.7 billion a year, and the issues that it brings for individuals and families in our community must be addressed. Nothing in this bill directly impacts the regular South Australian punter but it does enable support to go to those punters who find themselves in a place where they have developed problems with gambling.

Whilst problem gambling can be incredibly difficult on families in terms of money it is, of course, a deeper problem in many ways in terms of harm to the gambler and others. Problem gamblers suffer mental and physical health problems, find it difficult to hold down a job and struggle to maintain relationships. Anything we can do to help alleviate these issues for our community is an important part of the work that we do here.

Contrary to the 'stop the punters tax' media campaign, the South Australian government is taxing the betting company not the punter. The tax is based on the profits that betting companies make from punters. The more money that betting companies make from punters the more tax they will be required to pay and that tax rightly stays in our South Australia community. As SACOSS acting CEO Dr Greg Ogle said on 17 August:

> Let's be clear, Sportsbet is a hugely profitable operation, and their reaction to this proposal to close their use of a virtual tax haven is outrageous and unsporting, or to use a different sporting term, it is an absolute dummy spit!
>
> The proposed wagering tax is actually just about ensuring that corporate bookies like Sportsbet pay a fair share of tax, which in every sense is what provides them with a social licence to operate. It is clear this is not happening now under their Northern Territory registration—and even if they were taxed properly in the NT, we in South Australia would still not see any of it.
>
> The proposed wagering tax is an important way to ensure that profits from South Australian betting are taxed in South Australia, and can be directed to services for South Australians—including support for the problem gamblers that live here and not in virtual tax havens where corporate bookies may choose to nominally reside.

The South Australian government does not consider that the tax on betting company profits would be passed on to punters, as betting companies will still seek to maximise their profits. It is clear to me that if betting companies are making profits from South Australian punters they should be paying tax in South Australia, like other South Australian companies and individuals do.

The amendments to the Authorised Betting Operations Act 2000 will also change the classes of licences granted for wagering. This will allow for a new licence class to accept bets placed over the phone, internet or other electronic means provided the licence holder has substantial business assets and infrastructure located here in South Australia. I commend this bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 64 passed.

Clause 65.

The Hon. J.J. SNELLING: On behalf of the Treasurer, I move:

Amendment No 1 [Treasurer–1]—

Page 22, lines 22 to 27 [clause 65(2), inserted subparagraphs (i) and (ii)]—

Delete inserted subparagraphs (i) and (ii) and substitute:

(i) an association, or that is owned on behalf of a trust, that is established for the purpose of, or that holds the land wholly or mainly for the purpose of, playing cricket, football, tennis, golf or bowling or other athletic sports or exercises (other than vacant land or land used for residential purposes); or

(ii) an association, or that is owned on behalf of a trust, that is established for the purpose of, or that holds the land wholly or mainly for the purpose of, horse racing, trotting, dog racing, motor racing or other similar contests (other than vacant land or land used for residential purposes); or

Amendment carried; clause as amended passed.

Clauses 66 to 85 passed.

Clause 86.

The Hon. J.J. SNELLING: I move:

Amendment No 1 [Treasurer–2]—

Page 36, after line 5 [clause 86, inserted section 17]—Insert:

(4) For the avoidance of doubt, nothing in this section affects—

(a) indefeasibility of title of registered proprietors as set out in section 69; or

(b) the exclusive power of the Governor to prescribe fees or charges payable for or in respect of matters under this Act as set out in section 277; or

(c) the operation of the scheme for compensation set out in Part 18.

Amendment carried; clause as amended passed.

Clauses 87 to 124 passed.

Clause 125.

The CHAIR: We have a clerical error at 125(4). We are removing the words 'waste strategy' and substituting the words waste strategy, but without the inverted commas. Is everyone clear that it is just a clerical error we are sorting out here?

Clause passed.

Remaining clauses (126 to 132) and title passed.

Bill reported with amendment.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (11:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ANANGU PITJANTJATJARA YANKUNYTJATJARA LAND RIGHTS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (12:01): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill 2016. This Bill provides for amendments to the *Anangu Pitjantjatjara Yankunytjatjara Aboriginal Land Rights Act 1981* – the APY Act—to improve the overall governance and administration of the APY lands by Anangu Pitjantjatjara Yankunytjatjara – the APY.

The APY Act was enacted over 30 years ago in 1981. It established an APY body corporate comprising and representing all Anangu, and transferred to this body the freehold title of over 103,000 square kms of land, as described in Schedule 1 of the APY Act.

The governing body of APY is the APY Executive Board. Currently (and this will change) the Board has 10 members elected every three years from 10 electorates, with residents of each electorate voting for one representative on the Board. The Executive Board's integrity, leadership and representative capacity directly affects decision making, and good governance of the APY Lands.

Strong governance is essential if the APY Executive Board is to operate as an institution that is effective and accountable to the communities they represent. Yet the APY Executive Board has faced difficulties in achieving stable and effective governance, with organisational instability and problems with financial management.

However over the last 12 months significant progress has made by APY to improve its administration and financial accountability. A range of new processes have been implemented including training to develop employee capability with respect to financial management.

APY funding for 2014-15 was released contingent on new requirements and conditions being implemented. This included:

- implementation of strict delegations for approving payments with only the General Manager having authority for approval;
- undertaking of an independent audit of spending and financial controls for the period July 2014 to December 2014; and
- a requirement for specific documentation to be provided on the APY website including minutes of APY Executive Board meetings, monthly financial reports and annual reports.

The Auditor General noted in his 30 June 2015 report:

'It was evident from our review that DSD and the Minister had implemented more stringent conditions on the release of the grant funding in 2014-15. They also continued to facilitate processes that aim to improve governance and accountability arrangements for APY, including initiating a number of external reviews...'

Assistance to improve the Executive Board's governance was sought by the former Minister in 2013, through the commissioning of an independent, limited review of the APY Act. This review examined potential improvements to the election process and composition of the Board. The Independent Review Panel, comprised of its chair the Hon Dr Robyn Layton AO QC, Mr Harry Miller, Ms April Lawrie-Smith and Mr John Hill, consulted extensively on the APY lands throughout 2013. The panel visited the APY Lands 8 times for 24 separate meetings. In April 2014, the Panel submitted its final report to the former Minister who provided it to the APY Executive Board.

The key recommendations of the Layton Review include creating gender balance on the APY Executive Board, changing the electoral process to improve representation of all Anangu and changes to candidate eligibility requirements for election to the Board. The Layton Review's recommendations were carefully considered in the development of the draft 2015 Bill for consultation.

From December 2015 to May 2016, consultation on the 2015 Bill was undertaken by departmental staff, who conducted 22 feedback sessions with key APY leadership groups on the APY Lands and in Alice Springs, including APY Executive, members of the Law and Culture Committee and Chairs of Community Councils. Consultation also occurred with government and non-government stakeholders in Adelaide and Port Augusta, and five written submissions have been received.

The feedback received from the consultations, as well as the Layton Review recommendations and the government's policy approach, all have informed the development of this *Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill 2016*.

In summary, this Bill seeks to improve governance and administration within the APY lands through its key reforms, which:

- provide for gender balance on the APY Executive Board;
- establish 7 electorates whose composition creates a more even population spread;
- provide for an APY Executive Board of up to 14 members;
- establish APY Executive Board member minimum eligibility criteria, thereby improving Board member respect and leadership;
- provide greater certainty for election dates, ensuring elections are held between 1 May and 31 August every 3 years;
- establish a panel of conciliators, thereby providing a more effective and transparent process for their appointment;
- provide greater consistency of eligibility criteria for APY statutory officers and APY Executive Board members;
- ensure that APY Executive Board members live in their electorate for the majority of their term in office;
- establish eligibility criteria for Anangu voters through a voters roll, providing more certainty in election outcomes;
- remove voting by marbles to facilitate greater voting options for Anangu;

- enable absentee voting for Anangu out of their home communities; and,
- provide transitional provisions, including for the first election under the new regime, to facilitate a timely first election following the passing of this Bill.

These are important reforms that will bring greater diversity, credibility and representation to the APY Executive Board, as well as improving APY administration and electoral processes.

The intention of the amendments contained in this Bill is to provide for a strong and representative APY Executive Board—

- half of whom will be Anangu women;
- whose membership will have the respect of their community;
- whose members will be leaders well placed to meet the challenges of governance on their lands.

Good governance will positively affect the health and wellbeing of Anangu living on the APY Lands. Strong leadership and decision-making can build the confidence of the community and external stakeholders, facilitating the provision of services, programs and development initiatives.

Not only do Anangu benefit from good governance, but all South Australians are enriched by improving the health and vibrancy of Anangu culture and communities, by recognising and respecting the continuing practice of the world's oldest living culture.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*

4—Amendment of section 4—Interpretation

This clause inserts a definition of 'serious offence' into section 4 of the principle Act.

5—Amendment of section 4A—Objects

This clause amends section 4A of the principal Act to include, as an object of the Act, the fact that both Anangu men and Anangu women are afforded the opportunity to have equal representation on the Executive Board.

6—Amendment of section 5—Constitution of Anangu Pitjantjatjara Yankunytjatjara as body corporate

This clause makes a consequential amendment to section 5 of the principal Act.

7—Amendment of section 9—Executive Board of Anangu Pitjantjatjara Yankunytjatjara

This clause amends section 9 of the principal Act to vary the composition of the Executive Board so that it now consists of up to 14 members (being 1 man and 1 woman from each of the electorates).

The clause substitutes new section 9(6)(a), prescribing the period within which elections must be held.

8—Amendment of section 9D—Casual vacancies

This clause amends section 9D of the principal Act to provide further grounds on which a casual vacancy occurs in an office of the Executive Board.

First, the Executive Board may remove a member if he or she resides (without leave) outside of the electorate from which he or she was elected for a total period of more than 3 months in any 12 month period.

Second, a member's office is automatically vacated if he or she is found guilty of a serious offence as defined.

The clause also makes consequential amendments to the holding of supplementary elections arising out of the new gender requirements for members.

9—Amendment of section 10—Procedure of the Executive Board

This clause makes consequential amendments to section 10 of the principal Act.

10—Amendment of section 13B—Director of Administration

This clause amends section 13B of the principal Act to make consistent the kinds of conduct that will see a person prevented from being appointed as Director of Administration.

11—Amendment of section 13D—General Manager

This clause amends section 13D of the principal Act to make consistent the kinds of conduct that will see a person prevented from being appointed as General Manager.

12—Amendment of section 13G—Termination of appointment of Director of Administration or General Manager by Executive Board

This clause makes amendments to section 13G of the principal Act consequent on the amendment of sections 13B and 13D.

13—Amendment of section 13O—Minister may suspend Executive Board

This clause amends section 13O of the principal Act to specify the grounds on which the Minister can suspend the Executive Board, and repeals subsection (1a) of that section.

14—Substitution of section 35

This clause inserts new sections 35 and 35A into the principal Act as follows:

35—Minister to appoint panel of conciliators

This section requires the Minister to establish a panel of conciliators and makes procedural provision accordingly.

35A—Application for conciliation

This section enables an Anangu who is aggrieved by a decision or action of the Executive Board to apply to the Minister for conciliation, and makes provision as to how the Minister is to deal with such applications.

15—Amendment of section 36—Conciliation

This clause makes consequential amendments to section 36 of the principal Act reflecting the change from a single conciliator to a panel of conciliators.

16—Amendment of section 37—Order compelling compliance with direction of conciliator

This clause makes a consequential amendment to section 37 of the principal Act reflecting the change from a single conciliator to a panel of conciliators.

17—Amendment of Schedule 3—Rules of election under section 9

This clause amends Schedule 3 of the principal Act to vary the rules by which an election of members of the Executive Board is to be conducted. The changes of note are as follows:

Subclause (3) requires 7 electorates to be constituted by regulation.

Subclause (7) sets out changes to requirements that must be met for nomination for office, including a requirement that the candidate be enrolled or provisionally enrolled on the State electoral roll, and a requirement that a criminal history report be obtained in relation to the candidate before the election (to be paid for by the Electoral Commissioner).

Proposed clause 6A of the Schedule provides for the establishment of a voters roll for elections, with eligibility to vote requiring enrolment on the voters roll.

Subclause (10) inserts a requirement that the returning officer provide for absentee voting in Adelaide and Alice Springs on election day.

Schedule 1—Transitional provisions

1—Executed documents

This clause continues to apply section 5(4) of the principal Act (before amendment by this measure) to documents executed before the commencement of section 6 of the measure.

2—Casual vacancies

This clause provides that section 9D(5) and (6) of the principal Act (as in force before the commencement of this clause) do not apply to certain vacancies in the office of a member of the Executive Board, in effect allowing those vacancies to not be filled until the next election.

3—First election of members of the Executive Board

This clause makes special provisions for the first election of members of the Executive Board under section 9 of that Act following the commencement of this measure. In particular, the clause sets out the electorates, disapplies

certain provisions of the principal Act specifying time limits and requires the first election to be held as soon as is reasonably practicable. The clause also allows the returning officer to make further rules, or to modify existing rules, to allow the election to be conducted in appropriate manner.

Dr McFETRIDGE (Morphett) (12:01): I indicate that I am the lead speaker for the opposition. Having said that, I will not be taking a long time with this particular piece of legislation. This is a fine example of where, if people act in a non-combative and non-aggressive adversarial manner, things can be achieved in a sensible and sane fashion. Aboriginal affairs is one of those areas which should be above politics, and it should be about improving the future for our Aboriginal and Torres Strait Islander constituents.

I have had the pleasure of working with six different ministers for Aboriginal affairs in South Australia, starting in 2002 with the late Terry Roberts, who I can say without any doubt was one of the most passionate supporters of Aboriginal South Australians I have ever met. Terry was certainly doing everything he possibly could to advance the cause of Aboriginal affairs in South Australia, and he was able to do that with a department of Aboriginal affairs and reconciliation back then.

But what we see now is that the department has been reduced, the ministry has been moved and the bureaucrats have been reduced to a small group—I suppose you would call it an 'office of Aboriginal affairs and reconciliation'. It is not a department and it is not a division. It is a group in a department and its role has certainly changed as well, as has the need to continually bring back to this parliament the concerns of all South Australians about the welfare and future of Aboriginal South Australians. That has changed in many ways, but in many ways it has also stayed the same.

I will give the house a little bit of background on the lands, the Anangu Pitjantjatjara Yankunytjatjara lands. It would be interesting to know how many members of parliament have not even been to the APY lands; if you have not, you should make a point of coming with the Aboriginal Lands Parliamentary Standing Committee, which I have had the pleasure of being a member on for many years now, on one of our trips to the lands or, indeed, go up there with one of the ministers or one of the other committees. The Natural Resources Committee has been up there recently. Go up and have a look at this wonderful part of South Australia. It has some of the most beautiful countryside there is in South Australia. Let's not forget that the highest point in the South Australian landscape, Mount Woodroffe, is on the APY lands.

The APY lands is an extensive area in the north-west corner of our state where it abuts the Northern Territory and Western Australia. It covers about 103,000 square kilometres and, on the southern boundary, you have the Maralinga Tjarutja lands. In 1921, with white settlement starting to encroach on the Anangu lands, the South Australian government proclaimed the north-west Aboriginal reserve. This reserve consisted of most of what is now known as the APY lands, with the exception of the eastern part of the lands, which was given over to pastoral leases to Europeans.

The history of the APY lands is associated with churches—the Presbyterian Church, in particular. I pay homage and great regard to the late Dr Bill Edwards, who spent many years as a Presbyterian minister on the APY lands. He was one of those wonderful people who communicated with Anangu in their own language; in fact, he was an interpreter. He wrote books and other scholarly articles. He was an absolutely wonderful man and his death was a tragic loss, not only for all South Australians but particularly for the Anangu.

In 1937, the Presbyterian Church established the Ernabella Mission on the lands at the place that is now commonly known as Pukatja. By the 1950s, many Anangu were living at the Ernabella Mission, while many others lived at camps on pastoral leases on what is now the lands, or nearby, where they would work. Those pastoral leases included Granite Downs, Everard Park, Victory Downs, De Rose Hill, Kenmore Park and Mount Cavanagh. In 1961, to prevent overcrowding at the Ernabella Mission, the church established what became the community of Amata, which is generally known as Musgrove Park.

At the same time, the church also established what is known as the community of Kaltjiti, which was then known as Fregon. In 1968, what is now known as the community of Indulkana was established by the South Australian government as a base from which to provide welfare services to Anangu living in camps on pastoral leases, where work was becoming increasingly difficult to find.

At that time, the surrounding area was excised from pastoral leases and declared the Indulkana Aboriginal reserve.

The body now known as Anangu Pitjantjatjara Yankunytjatjara was formed in 1981 by the passing of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 in this parliament. It was a wonderful step forward, and let us never forget that the South Australia parliament has been a leader in Aboriginal affairs. Certainly, with Dean Brown's apology in, I think, 1997, we were the first to offer an apology for past ill-treatment of Aboriginal people. People in this place and outside do not realise how many communities there are on the APY lands.

I just remind people that driving from Adelaide to Pipalyatjara, which is way up in the north-west corner, is like driving from Adelaide to Sydney, apart from the fact that the last 600 ks are on some pretty ordinary roads. Even with the APY roads project going on—which I understand is way behind budget and has been underspent so far—the roads are still pretty ordinary. I was at Pipalyatjara just recently for a funeral and people were travelling in over very wet muddy roads in some cases for four or five hours for what would normally be a drive of an hour or so in fine weather.

The communities on the lands are not massive. The total population is about 2,500 to 3,000 people. Certainly, during the summertime that drops off as people leave the lands and go to Port Augusta, Ceduna and Port Lincoln. Some go to Coober Pedy. It is extremely warm there during the summertime. It will be interesting to see how many Anangu have actually filled out the last census online. I doubt it would be very many because computer services are pretty limited up there but, in the 2011 census population figures, Ernabella (Pukatja) had 503 people; Amata, 479; Indulkana, 395; Fregon, 285; Mimili, 281; and Pipalyatjara, 118.

There are also a number of other localities and I will quickly put them into *Hansard*: Amata, Fregon, Indulkana, Irintata, Iwantja, Kalka, Kaltjiti, Kanpi, Mimili and Mintabie. Mintabie is mainly non-Indigenous. It is certainly a site for—

The DEPUTY SPEAKER: An admin centre.

Dr McFETRIDGE: It is an administration centre and it is a site for buying cars and other things. The list includes Murputja, Nyapari, Pipalyatjara, Pukatja, the Tjurma Homelands, Turkey Bore, and Umuwa, which is really the administrative centre where most of the government departments base themselves. The others are Watinuma and Yunyarinyi, and the other one that is listed on the communities but is currently closed down at the moment is Watarru.

I said a moment ago that Mount Woodroffe, the highest point in South Australia, is up there. Watarru, also known as Mount Lindsay, is also there and is one of the most beautiful parts on the APY lands. Watarru is like a cross between Uluru and Kata Tjuta, Ayers Rock and the Olgas. It is an interesting fact that Mount Lindsay is 11 kilometres around and that Ayers Rock is nine kilometres around. It is a spectacular sight.

Sadly, though, we have $20 million worth of government infrastructure there that has been shut down and in many cases trashed. The schools, the clinics, the administration centre, the store and the mechanic's workshops have all been trashed. It is a sad indictment on not only all of us but indeed the administrators on the APY lands, the executive and the community leaders, that this has been allowed to occur.

That said, the communities on the APY lands do try, but they are struggling. We hear the same stories about lack of governance over and over again. We certainly should hang our heads in shame at some of the gaps between white and Aboriginal health and expectations, when you consider the APY lands as a particular example of where Aboriginal people are in 2016 in Australia. A very salutary fact about health is that on the APY lands we have the world's worst trachoma rates.

Trachoma is an eye disease that is very simply controlled and eliminated by increased hygiene. We have the world's worst trachoma rates in parallel with one small part of Ethiopia. It has been controlled or eliminated as a scourge from the rest of the world, but not on the APY lands—along with hearing problems, with 75 per cent of the kids having hearing problems.

We know from the Mullighan report into the abuse of children on the APY lands that there has been abuse of children on the lands, and unfortunately it is still going on today. Children are not going to school as much as they should, there are still drug problems and there are some alcohol

problems. Certainly, we need to make sure that we have some way forward, and the bill we are considering today is hopefully going to provide some way forward, with some changes to the electoral make-up up there and also the constitution of the APY Executive.

In 2003, the Hon. Robert Lawson QC gave an address to the Bennelong Society about the Pitjantjatjara Land Rights Act 1981. In his address to the society, he talked about the enormity of the lands site, the people living on the lands and the different communities. He also talked about some of the ongoing issues, and even back then there were some issues raised by the Hon. Robert Lawson about the reporting of health issues.

Nganampa Health on the lands is a unique organisation that has been around for many years. To try to get information out of them is particularly difficult. They have their reports up on the net, which they say will provide everything, but I understand that you still cannot FOI any of their reports, that the federal government control is limited as well. I think we need to think about the future of an organisation like Nganampa Health on the APY lands if we still have health issues as dire as those that are being reported to the Aboriginal Lands Parliamentary Standing Committee and that I am hearing personally.

In his address to the Bennelong Society, the Hon. Robert Lawson also talked about the amount of funds that were being put into the APY lands. Back in 2003, he said:

> It has been calculated that $60 million per annum of commonwealth and state government funding is paid to or for the benefit of people on the lands, (i.e. about $24,000 for each man, woman and child on the lands).

I can tell you now that that $60 million then is about $200 million now. So, $200 million a year is going into those lands and where is most of it going? As Robert Lawson pointed out in 2003:

> Much funding goes to pay non-indigenous administrators, managers and bureaucrats and to meet the high cost of infrastructure.

The school fence around Pipalyatjara Primary School, which is about 150 metres long, if that, was $350,000. It is just a tubing fence. Downtown here, I think you would get it for a quarter of that price, if not possibly even less. I know that you have to truck it up there and you have to get people up there and that there are costs. We see huge increases in prices—for example, building a very modest three-bedroom home costs about half a million dollars. There must be better ways of doing business on the lands than we have been doing for so many years.

Another issue I think is very salutary, and one we hear about a lot, is as Robert Lawson said in his 2003 address:

> As for the youth, their abiding interest is betrayed by abundant posters of AFL stars and football jumpers. I sense that, like many other Australian young people, their most potent spiritual drivers come from television, rather than tradition. They dream of money and fame and the good life of sporting heroes and rock stars.

What is the future of these kids on the APY lands? They go to school, they come down to Wiltja or they go to some of the private colleges. Going back to the lands is not a real option for the vast majority of them as the job opportunities on the lands are really limited. Once mining takes off again, there may be some more opportunities. There are limited opportunities working in schools, working in clinics, working in the stores, working at the swimming pools, or working on the roads there. They are still limited.

Some very good friends of mine, Tony and Aileen Rodgers, run Wiltja Building Services on the lands. They are based on the lands, and Aileen is a Yankunytjatjara woman. They are providing really good services and employing Aboriginal people, yet time and time again they are frustrated by being overlooked in the competitive tendering process. They are obviously a little bit dearer in many cases, but what they do provide is the end long-term gain of employing Aboriginal people. We need to make sure that we consider some positive discrimination perhaps in these cases and have regard to the long-term outcomes.

There are lots of short-term solutions for some of the problems on the lands, but we need long-term solutions for long-term outcomes. The political background to the APY act goes right back to the Aboriginal Lands Trust Act 1966 and the Aboriginal Affairs Act 1962. Labor governments and Liberal governments were keen to introduce legislation that was going to allow Aboriginal people to have some control of their own land and have control of their own destinies, and it was all well

intended. After a lot of agitation by various Aboriginal groups, we saw it culminating in the 1981 act coming into force.

The bill was introduced by Don Dunstan, but when it had not passed when Labor lost office in 1979 the Liberal Tonkin government, which was elected in 1980, picked up the legislation and it was passed through both houses in March 1981. Back then, there was bipartisan agreement on what was going on. Certainly, the ministers and I, as the opposition, have differences of opinion, differences of attitude and differences of priorities on some of this, but by sitting down and talking about it we can come up with some good results.

We have today a bill before us that may not provide all the answers, but let's hope it will bring some of the problems forward and provide some of the solutions. The current role of the government in supporting Aboriginal people, the changing role of the department—it has gone to a division now, it is just an office in the Department of State Development—is something that I am concerned about. I think we need to raise not so much the profile but the prominence and the impetus of furthering Aboriginal issues in this state.

The Aboriginal Affairs and Reconciliation agency, as it is called on the government's website, says that its role is to:

- empower Aboriginal people to have a stronger voice in government decision-making and provide leadership in promotion of effective governance arrangements
- provide whole of government policy advice and leadership
- support skills development, job creation and sustainable employment for Aboriginal people
- support engagement with Aboriginal stakeholders including the provision of culturally appropriate advice to government
- develop and coordinate whole of government strategies
- support the South Australian Aboriginal Advisory Council, Chief Executive's Group on Aboriginal Affairs and other representative bodies as required—

The South Australian Aboriginal Advisory Council is one that I am watching at the moment, how it is functioning. I do not think that a half-hour meeting in Adelaide, like the last meeting, is adequate to really go through a comprehensive and long agenda, particularly when people are travelling a long way. I will be watching this group carefully, how it is used by this government. Certainly, I hope it is not being used as a shield in any way, saying, 'We have this council and we are consulting.'

The other roles of the AARD are to encourage across-government knowledge sharing and support of reconciliation and provide advice and support to the Minister for Aboriginal Affairs and Reconciliation on the administration and legislation committed to the minister. That legislation, as I say, is what we are debating today. We need to make sure that we continue to move forward.

Going back through some of my files, I came across a copy of a letter to the then chief executive of the Department of the Premier and Cabinet, Warren McCann, from none other than the late Bob Collins. Remember, Bob Collins went up to the APY lands to look at some of the issues there, including the COAG trials, the changes when ATSIC was abolished and the need to bring a change to the electoral system. He looked at those and made a whole lot of recommendations. That was in April 2004.

There were 10 recommendations, and amongst them were changes to policing on the lands and the distribution of funds on the lands for health and substance abuse programs and other things that are still issues on the lands. The second recommendation was that the South Australian Electoral Commission conduct elections on the lands, and that is something we are going to see today. Unfortunately, not all of those 10 recommendations have been fulfilled.

Bob Collins' letter is dated April 2004. In May 2004, one of the Aboriginal women, Makinti Minutjukur, who was a significant leader on the lands, was the municipal services officer in Pukatja. She was on the APY Executive at the time. She hoped to meet with then premier Rann and talk about Bob Collins' visit to the lands. However, as she says in her letter to premier Rann:

> When you didn't arrive I drove across the creek to see where you were and found you outside the TAFE building in front of the newspaper cameras. Unfortunately I didn't see you again.

There was a failure to communicate back then and there is still a failure to communicate in many areas now. However, I must say that the current minister has worked with me to try to make sure we are communicating not only between us but also with the people on the APY lands. In her letter to premier Rann, Makinti wanted the government to respect and understand what Aboriginal people were trying to achieve, and I think that is what we are all trying to do. I do not think that that has been achieved as well as we hoped and as much as Makinti hoped.

The background to this bill, though, is that we need to make changes to the way elections are being held on the lands. We need to make sure that there are changes to the traditional patriarchal society which result in mainly men being elected to positions. In 2016, the need to have more women represented both in this place and also in the APY Executive is something I think we would all support. I have met women on the APY lands who are very intelligent and capable of being on the executive, and I strongly encourage community members to get behind these women to make sure that the whole of society there is being represented.

When I did the Pitjantjatjara language course in 2003 with the late Dr Bill Edwards at the University of South Australia, one of our tutors was Mona Tur. I asked her what she would do if there was one thing she could change as an Aboriginal woman, and she said, 'Come back as a man.' That to me was an indication that patriarchal society really was biting. What we are doing with this bill today is providing gender equity on the APY Executive Board and establishing seven electorates (decreasing from 10 now to seven) to create a more even population spread.

We are increasing the executive board up to 14, and half of those will be women. We are establishing eligibility criteria to be on the executive, and certainly part of that eligibility will be to be of good character. There is a list of serious offences that will disqualify a person from being on the executive. We need to provide certainty for election dates. Elections will be held every three years and they will be run by the Electoral Commission. The system of voting will change so that we do not have marbles—in the past, I think they have even used ink on fingers. It is going to be a lot more sophisticated.

There will be touchscreen computers with pictures, with explanations, both in English and Pitjantjatjara, so that electors can make the determinations for the people they really want to have on the executive, and it will all be done in secret. The need to make sure that we give people the right to stand is there, but we try to encourage the potential leaders, the future leaders, the people who are out there to want to stand and also then get elected with a fair and open ballot system. This is something that I think will result.

APY Executive Board members must live in their electorate for the majority of their term in office. I know that changing boundaries often make members of parliament live outside their electorates, or sometimes they choose to, but it is a bit different on the executive up there. This is a more specific area of land that we are talking about, with different communities. If you want to represent your community, you should really be able to demonstrate your deep ties to that particular community.

There will be some absentee voting. There were some concerns about the people on dialysis who cannot live on the lands not being able to vote. There were about 21 of those people, I think, and because most of them are long-term dialysis receivers, most of them would not be eligible under any state or federal electoral laws. That has been an area of some contention, and perhaps we might revisit that if it does become an issue. However, absentee voting has been included in this.

Another issue that has come up on many occasions is the need for conciliators in relation to disputes. Initially, the bill said that the minister may appoint conciliators. I emphasised to the minister that, if there were a request from an Anangu that a conciliator be appointed, he should appoint a conciliator. We agreed on that. In fact, he has agreed that there will be a panel of conciliators that can be used, and those conciliators will then report back to the minister, and hopefully the shadow minister, on what went on with the conciliation process.

There are divisions up there. Even just recently at the last executive meeting, half the executive were in the room and half the executive were outside the room, and I think at one stage that changed over: the half that was in the room went out of the room, and the other half that was out of the room went in the room, but nothing happened in the end. There were disputes. There were

resolutions that should have been passed, and could have been passed, but the disputes were still going on.

The changes here will, hopefully, bring sense to people who are putting their hand up to stand on the executive that they have a job to do, they have a job to lead, they have a job to make sure the executive is functioning in the way it is supposed to do, according to not only the act, but to the way we all want it to, both Anangu and Piranpa (white people). The bill is the result of a lot of consultation. You can always say to people, 'There wasn't enough consultation,' but there was. There was a lot of consultation.

Robyn Layton QC went up onto the lands. I encourage everybody to go to the lands to see how difficult it is to get around, how difficult it is to organise a meeting, how difficult it is to sit down and have some in-depth discussion on any issue, never mind on issues as complex as this. There was a lot of consultation going on. You could always consult more, you could always consult differently, but I think that the outcome here has been one that is more than reasonable under the circumstances.

The beauty of the democracy is that if we find it is not working we can come back and we can look at it again, and that is what it is about. I can guarantee this is not the first time that we have had to change Aboriginal legislation and it will not be the last, but that is what the democratic process is about. The bill has been amended in the other place by my colleagues and members of the minor parties. The government has listened to their concerns and where possible we have worked together to accommodate those concerns.

If the outcome of this legislation is that the election is held as early as we can next year, and a new executive of up to 14 with up to half being women is in place, then it behoves all of us to support that executive to make sure they are given the training and the support that they need so that we do not continue to get letters from people up there who are frustrated beyond belief, so that we are not going to see reports on deplorable health conditions, and so that we are not going to see $200 million every year going into the lands only to go to white contractors, bureaucrats and other people up there and not benefiting the Anangu.

We need to make sure that the gap—the closing of the gap that we all talk about—is going to be reduced to zero, we would hope, and that is a big ask. Unless we continually look at ways of improving not only the legislation in this place but also the outcomes on the APY lands, we will achieve nothing. I hope this bill gives the Anangu some confidence that their election of their representatives will be a full, open and transparent one and that the representatives then have those responsibilities to represent them to their best ability. They will do so with the support of the parliament, not just the government. With that, I wish the speedy passage of this bill.

Ms HILDYARD (Reynell) (12:31): I rise to support the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill 2016, introduced into the other place by my colleague the Minister for Aboriginal Affairs and Reconciliation whom I know has deeply engaged with APY community members about its content. I commend his development of this bill, his work with, for and alongside APY community members, and I thank and commend all APY community members for their work, voice and input to bring the bill to this point and to reimagine and reinvigorate their governance structures. I also commend the member for Morphett for his long-term passion and interest in the APY lands and for his words today.

This bill provides for amendments to the Anangu Pitjantjatjara Yankunytjatjara Aboriginal Land Rights Act 1981 (the APY act) to strengthen and improve the overall governance and administration of the APY lands by APY people. It has been developed following a review of the APY act undertaken, as the member for Morphett said, by an independent panel chaired by the Hon. Robyn Layton QC AO.

The review examined potential improvements to the election process and the composition of the board, with a view to strengthening the board's and the community's voice for the long term. One of the key recommendations of the review, and one of the key reforms included in the bill before this house which it is my pleasure to speak in support of, is the requirement for gender balance on the APY board. Members of this house know well of my longstanding passion for gender equality and

for developing measures to ensure that this equality is enacted. I am, therefore, very proud to speak today about changes to the way in which APY Executive Board elections will be conducted.

An election of the APY Executive Board on the APY lands will now consist of an election of one man and one woman from each electorate. With the establishment of seven electorates in the bill, there will now be 14 APY Executive Board members, half of whom will be women. Historically the overwhelming majority of APY Executive Board members have been Anangu men; however, Anangu women are increasingly expressing their interest in taking up leadership positions and participating more directly in APY decision-making, no doubt inspired by the strong leadership and advocacy of the board's first female chair.

Gender balance on the APY Executive was enthusiastically and overwhelmingly supported by Anangu men and women during the review, and it is supported by the majority of the current APY Executive Board. Anangu have told us they want this reform; they want to give Anangu women a greater voice in governance; they want to bring Anangu women's perspectives to the board's discussions and decisions. They know well how diversity and decision-making, and decision-making bodies being made up in a way that reflects the community for whom they make decisions with and for, make for better and stronger decisions and initiatives. We know that Anangu woman are waiting in the wings for this opportunity and that they are committed to making a difference with and for their community.

It is interesting to note that recently this very opportunity has been recognised as central to reforming community leadership, with Cape York community leader, Mr Noel Pearson, stating in *The Australian* on 25 May 2015:

> We need to revisit the whole question about the appropriateness of leadership structures in communities...I really think the women have got to be empowered to take more leadership in the community.

This bill will provide for a strong and representative APY Executive Board, whose membership will have the respect of their community, whose members will be leaders well placed to meet the challenges of governance on their lands, and whose membership will be half Anangu women.

Real representation for our communities can only occur when our power structures reflect our communities, and that is why I absolutely commend this bill to the house and look forward to seeing the benefits of it realised in the APY community and to hearing the strong voice of APY community members.

Mr HUGHES (Giles) (12:36): I also rise to support the Anangu Pitjantjatjara Yankunytjatjara Land Rights (Miscellaneous) Amendment Bill 2016, introduced into the other place by my colleague the Minister for Aboriginal Affairs and Reconciliation. I also acknowledge the contribution of the member for Morphett in this area over many years, and his longstanding interest.

I recognise that, as the member for Giles, the APY lands have been in my patch now for two and a half years, so I will not claim to have the experience and the knowledge of a number of people in this place who have had involvement over many years. I think the two attributes that I would like to bring to my role as the member for Giles, when it comes to the APY lands, is that sense of openness and support.

It is, in many respects, another world on the APY lands, a world unto itself, and in itself a vast area, in excess of 102,000 square kilometres, with a range of isolated communities. Since being elected I have visited the APY lands on two occasions, and I will be going back in October. It is still my intent to go there, not with a committee and not with any other people, but to drive through all of those communities and take my time and get to know people far better than I have been able to date.

I also acknowledge the former member for Giles, who had a special relationship with the Aboriginal people of the north of this state, and that was recognised by the conferring of a name on Lynn, which was a very special honour and one of which she is deeply proud. I keep having to tell myself that she did spend 17 years in this parliament, so there is a lot of catching up to be done. I doubt that I will ever be able to catch up with the things she did, and the special relationship she had with many of the women in the APY lands, and it is why these amendments are so commendable in the way they touch on Anangu women.

The bill provides for amendments to the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (the APY act) to improve the overall governance and administration of the APY lands by Anangu Pitjantjatjara Yankunytjatjara. The bill comes to us for consideration after many years of consultation on the APY lands and with Anangu people, my constituents.

The vast majority of these changes will bring the APY elections and surrounding processes more in line with elections held in every other part of the country. Anangu who are not physically in their own community on the day of the election have previously not been allowed to cast a vote for who they want to represent them. There are no ifs, buts or maybes. If you live in Amata or happen to be in Fregon for work on that day, visiting a family in Kalka or even receiving dialysis in Port Augusta, the bill in its current state does not allow anyone in these circumstances to have a voice in the APY lands.

I just briefly touched on dialysis there, and I know it has been over the years a subject of debate about how best to address those challenging health issues. The mobile service was introduced, and I think that was a very positive thing. I know that people on the other side of the house were advocates and strong advocates for a permanent presence on the APY lands when it came to dialysis, and that was a conclusion I came to very early on, probably in the lead-up to my election as the member for Giles.

There is a need for that permanent presence when it comes to dialysis on the lands. I think we are about to have a significant step forward, and it will be something I will be paying very close attention to to ensure that we have timely, permanent dialysis at least in one community on the lands, which will complement quite effectively the mobile service that was introduced during the last term of this government.

I am so glad to see the changes in the amendments reflected in this bill before us. The Electoral Commissioner will no longer use marbles as a voting mechanism and will be able to accept absentee votes from Anangu who are entitled to vote but are not physically in their home community. The creation of a voters roll will also provide greater certainty and transparency for the APY lands. I know there have been contentious decisions about who was allowed to vote in previous elections. The creation of a voters roll removes any ambiguity and ensures that only eligible people are voting and, importantly, voting in the right electorate.

Another positive change will be the reduction of the number of electorates from 10 to seven, with the election of a male and a female from each. This will see a greater balance of population spread and gender balance, thus providing greater representation. I know that the first female chair of the APY Executive, Kunmanara Paddy, set a great example for many young Anangu women who want to have a greater voice and contribute to their communities. If the NPY Women's Council is a measure of this kind of Anangu women who may be elected on the APY Executive, I think it would be incredibly difficult to argue against this amendment. I think it is a real step forward.

Strong and representative leadership is essential to improve the lives of everyone living on the APY lands, and I believe these amendments will deliver a more just result for all Anangu. I commend this bill to this place.

Bill read a second time.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (12:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:44 to 14:00.

The SPEAKER: The member for Schubert will restrain his mobile phone from ringing.

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Assent

His Excellency the Governor assented to the bill.

HOUSING IMPROVEMENT BILL

Assent

His Excellency the Governor assented to the bill.

CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

Petitions

MOONTA POLICE STATION

Mr GRIFFITHS (Goyder): Presented a petition signed by 1,250 residents of South Australia requesting the house to urge the government to increase police presence by the assigning of dedicated police officers to the Moonta township and the reopening of the Moonta Police Station.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today the Hon. Marco Fedi, a member of the Italian Chamber of Deputies, representing in the Italian parliament, among other regions, Australia. Mr Fedi represents Italians living abroad, and today he is the guest of the member for Hartley.

I acknowledge Exchange International, who are here as guests of the member for Adelaide; Robe Primary School, guests of the member for MacKillop; Salisbury East High School, guests of the member for Wright; Christies Beach Primary School, guests of the member for Reynell; Mount Gambier High School, guests of the member for Mount Gambier; and students from Nazareth College, who are guests of mine.

ANSWERS TABLED

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

Ms Chapman interjecting:

The SPEAKER: Never mind the quality, feel the width.

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Adelaide Oval Redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011—
Report for Period 1 January 2016 to 30 June 2016
Parliament of South Australia—-Members, House of Assembly—Register of Members' Interests—Registrar's Statement [Ordered to be published]
Police Ombudsman—Annual Report 2015-16

By the Deputy Premier (Hon J.R. Rau) on behalf of the Premier (Hon J.W. Weatherill)—

Government Boards and Committees Information, South Australian—Annual Report 2015-16
Regulations made under the following Acts—
Fees Regulation—Incidental SAAS Services—Revocation

By the Attorney-General (Hon J.R. Rau)—

Classification Council, South Australian—Annual Report 2015-16
Summary Offences Act 1953 –Report for Period 1 April 2016 to 30 June 2016
Dangerous Area Declarations pursuant to Section 83B
Return of Authorisation Issued pursuant to Section 83C
Road Block Declarations pursuant to Section 74B
Terrorism (Preventative Detention) Act 2005—Annual Report 2015-16
Regulations made under the following Acts—
Births, Deaths and Marriages Registration—Miscellaneous
Corporations (Ancillary Provisions)—General
Criminal Injuries Compensation—
Prescribed Scale of Costs
Scales of Costs
Family Relationships—Requirements relating to Parentage Declarations
Native Title (South Australia)—General
Strata Titles—Fees No. 3
Subordinate Legislation—Postponement of Expiry No. 2
Victims of Crime—Statutory Compensation
Young Offenders—Transfer of Youths Under Detention—Revocation
Rules made under the following Acts—
District Court—
Civil—
Amendment No. 33
Supplementary—Amendment No. 5
Fast Track Adoption—Amendment No. 2
Fast Track Adoption—Supplementary—Amendment No. 2
Magistrates—
Civil—Amendment No. 14
Criminal—Amendment No. 58
Supreme Court—
Civil—
Amendment No. 32
Supplementary—Amendment No. 6
Fast Track Adoption—Amendment No. 3
Fast Track Adoption—Supplementary—Amendment No. 3

By the Minister for Planning (Hon J.R. Rau)—

Regulations made under the following Acts—
Development—Diplomatic Missions

By the Minister for Consumer and Business Services (Hon J.R. Rau)—

Regulations made under the following Acts—
Authorised Betting Operations—General

By the Minister for Health (Hon J.J. Snelling)—

Regulations made under the following Acts—
Advance Care Directives—Interstate Advance Care Directives and Corresponding Laws

By the Treasurer (Hon A. Koutsantonis)—

Regulations made under the following Acts—
Public Corporations—
Australian Children's Performing Arts Company—General
TechInSA—General

By the Minister for Finance (Hon A. Koutsantonis)—

Regulations made under the following Acts—
- Superannuation—
  - Electricity Industry Pensioners—General
  - General

By the Minister for Mineral Resources and Energy (Hon A. Koutsantonis)—

Petroleum and Geothermal Energy Act 2015—Annual Report 2015-16

By the Minister for Agriculture, Food and Fisheries (Hon L.W.K. Bignell)—

Regulations made under the following Acts—
- Primary Industry Funding Schemes—
  - Adelaide Hills Wine Industry Fund
  - Apiary Industry Fund—General
  - Barossa Wine Industry Fund
  - Cattle Industry Fund—Contributions
  - Clare Valley Wine Industry Fund
  - Langhorne Creek Wine Industry Fund
  - McLaren Vale Wine Industry Fund
  - Pig Industry Fund—General
  - Riverland Wine Industry Fund
  - SA Grape Growers Wine Industry Fund
  - Sheep Industry Fund—Contributions

By the Minister for Local Government (Hon G.G. Brock)—

Local Council By-Laws—
- Alexandrina Council—
  - No. 1—Permits and Penalties
  - No. 2—Local Government Land
  - No. 3—Roads
  - No. 4—Moveable Signs
  - No. 5—Dogs
  - No. 6—Foreshore
- City of Victor Harbor—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Roads
  - No. 4—Local Government Land
  - No. 5—Dogs
  - No. 6—Cats
  - No. 7—Foreshore
- District Council of Yankalilla—
  - No. 1—Permits and Penalties
  - No. 2—Local Government Land
  - No. 3—Roads
  - No. 4—Moveable Signs
  - No. 5—Dogs
  - No. 6—Nuisances Caused by Building Sites
  - No. 7—Foreshore
- Kingston Regional Council—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Local Government Land

No. 4—Roads
No. 5—Dogs
No. 6—Cape Jaffa Anchorage (Waterways)

By the Minister for Communities and Social Inclusion (Hon Z.L. Bettison)—

Regulations made under the following Acts—
Youth Justice Administration—General

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

South Australian Government Submission for the Select Committee on Land Uses on Lefevre Peninsula
Regulations made under the following Acts—
Family and Community Services—Miscellaneous
National Parks and Wildlife—
National Parks—General
Wildlife—General

By the Minister for Transport and Infrastructure (Hon S.C. Mullighan)—

Commissioner of Highways—Schedule of Leases Granted for Properties Held 2015-16
Pinery Fire Review—South Australian Country Fire Service—
Findings of the Project Pinery Review including Lessons and Action Plan Report
South Australian Country Fire Service Action Plan Report
South Australian Government Radio Network (SAGRN) Action Plan Report
South Australian Government Radio Network (SAGRN) Review Report
Regulations made under the following Acts—
Correctional Services—General
Harbors and Navigation—Miscellaneous No. 2
Road Traffic—
Expiation of Offences No. 2
Road Rules—Ancillary and Miscellaneous Provisions No. 2

By the Minister for Housing and Urban Development (Hon S C Mullighan)—

Renewal SA—Urban Renewal Authority Charter
Riverbank Authority—Annual Report 2015-16
Regulations made under the following Acts—
Housing Improvement—Section 60 Statements—General

By the Minister for Mental Health and Substance Abuse (Hon L.A. Vlahos)—

Regulations made under the following Acts—
Controlled Substances—Poppy Cultivation—General
Tobacco Products Regulation—Smoking Bans in Public Areas—Henley Square

Ministerial Statement

ROYAL ADELAIDE HOSPITAL

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:09): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: On 25 August, the South Australian government issued proceedings in the Supreme Court against SA Health Partnership, the consortium responsible for delivering the new Royal Adelaide Hospital and their builder, HYLC. This action, which seeks to hold SAHP and HYLC to their contractual obligations with respect to the role of the independent certifier,

comes off the back of a series of missed dates for technical completion. In taking this court action the government's objectives remain to ensure that a safe and high-quality hospital is opened and that SAHP provides a reliable date for technical completion.

Unfortunately, in this instance SAHP has chosen to ignore the contract, and so the government has been left with no option but to issue Supreme Court proceedings to hold SAHP to the contract. I do not intend to comment on the specific details of the court proceeding—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: —but I will say that the government will go to court when necessary to make sure South Australian taxpayers get the high-quality and safe hospital that the contract requires.

The SPEAKER: The Leader of the Opposition is warned a first time.

The Hon. J.J. SNELLING: SAHP remains in major default. It has still not provided a reliable date for technical completion of the hospital and has still not provided a compliant cure plan showing how it will remedy major defects. The most recent cure plan, which has been provided by SAHP, is being independently assessed but, as we have said before, no decisions will be made about the timing of the hospital move until we have confidence that the time lines provided to us are realistic and reliable.

It is important to note that SAHP bears all risk in relation to any delays it causes in achieving technical completion.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned.

The Hon. J.J. SNELLING: To date, SAHP have made several unsuccessful extension of time claims for hundreds of millions of dollars, with the independent certifier determining each and every one at zero days and zero dollars compensation. Safety must always be paramount at the new Royal Adelaide Hospital. The government is protected by a strong contract and it will continue to hold SAHP and HYLC to account in order to protect the people of South Australia.

Mr Pederick: It must be so hard to build a new building.

The SPEAKER: Was the member for Hammond seeking the call?

Mr Pederick: No, it's alright.

The SPEAKER: Then he must have been interjecting. He is called to order.

ARRIUM

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:11): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: I rise to update the house on the sale of Arrium and the future of the Whyalla operations. As we know, Arrium was placed into administration and the administrators, KordaMentha, have been busy stabilising the business and preparing it for sale. The administrators have confirmed that they have made significant savings in the Arrium operations, which has led to a significant improvement in the financial position of the Whyalla operations.

Over the past few weeks, a number of meetings have taken place between the Steel Task Force, KordaMentha, Morgan Stanley, the commonwealth and, of course, representatives of the workers, the trade unions. It is pleasing to note that Morgan Stanley, which has been appointed to run the sales process, has been directed by the administrators to sell Arrium as a whole operation as the first option, which is also the government's very strong preference.

The meetings progressed discussions on South Australian government support for the sale in terms of our $50 million in financial assistance and ways of providing some certainty for potential

buyers towards the past environmental liabilities of the Arrium Whyalla steelworks site. The state government is providing a letter to the administrators outlining our support which will be communicated to bidders in the indicative bid stage of the sale process by inclusion in an information memorandum.

I have also been in contact with the federal Minister for Industry, Innovation and Science, the Hon. Greg Hunt, who has written a letter addressed to the prospective purchasers advising of the actions the commonwealth government has already taken in support of Arrium and advised that it would work with the new owners of Arrium to promote the long-term viability of the company's steelmaking and mining operations.

The government is aware of the significant interest from numerous potential buyers of the Arrium business, which are now entering into more detailed dialogue with Morgan Stanley. Our strong preference remains that the Whyalla operations are sold as a whole, together with all of Arrium's Australian operations, to a single new owner.

I would also like to take this opportunity to update the house on the $10 million interest-free loan scheme to support small businesses experiencing cash flow challenges as a result of Arrium entering administration. To date, 22 companies have sought loans and a total of $4.89 million has been approved in support of Whyalla's businesses. I look forward to updating the house further as this issue progresses.

Mr van Holst Pellekaan interjecting:

The Hon. A. KOUTSANTONIS: Ask a question.

The SPEAKER: The Treasurer and the member for Stuart are both called to order for quarrelling across the chamber.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:15): I seek leave to give notice that, on Thursday 22 September 2016, I will introduce a bill for an act to amend the Biological Control Act 1986.

The SPEAKER: You are just giving notice that you will seek leave to introduce a bill?

The Hon. L.W.K. BIGNELL: Yes. Is that alright?

Mr Gardner: I'm glad we got that sorted out.

The SPEAKER: The member for Morialta is warned.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE

Mr ODENWALDER (Little Para) (14:18): I bring up the 92nd report of the committee, entitled Annual Report 2015-16.

Report received and ordered to be published.

PUBLIC WORKS COMMITTEE

Ms DIGANCE (Elder) (14:19): I bring up the 550th report of the committee, entitled 'Proposal to expand Mount Gambier Prison—additional 112 beds'.

Report received and ordered to be published.

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned for interjecting.

Question Time

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): My question is to the Minister for Child Protection Reform. Why has the department for child protection not yet been split from the education department as promised on 21 June following the recommendation from the interim royal commission report?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:20): I thank the leader for his question. The splitting of the child protection function from its existing home, which is with education, is something which requires a machinery of government change of some reasonable complexity.

Mr Pisoni: Whose idea was it to put it together?

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

The Hon. J.R. RAU: There have been people working on the machinery of government changes that will be necessary. That has been occurring since that time. There has also been a fairly exhaustive search for a suitable candidate to take on the role of the chief executive of that new agency. My understanding is that she will start work—

Mr Gardner interjecting:

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

The Hon. J.R. RAU: My understanding is that she will commence duties on 31 October, and therefore, out of an abundance of caution, we have said that we will be working to have it ready to go on 1 November at the latest. If we can do something in a shorter time, we will, but that would necessarily mean we would have an interval where the new department was sitting in a position where it had an acting chief executive for a period of time from its inception.

Mr Knoll interjecting:

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

The Hon. J.R. RAU: It would seem to me that having a department start with an acting chief executive known by everybody to be about to be replaced may not be the best way to start. That said, if we can achieve the necessary changes in terms of machinery of government, then they will occur when they can.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. J.R. RAU: We have said that we will endeavour to be in a position at a minimum where when the new chief executive comes on board, she will have a new agency to take charge of.

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): Supplementary: why did the Attorney-General put his name to a release, along with the Premier and the Minister for Child Protection, which promised the people of South Australia that the new department would be up and ready by 5 August this year?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:23): I do not have a copy of whatever it is—

Mr Marshall: I am happy to provide it. I have it right here.

The Hon. J.R. RAU: If you would like to provide it to me, we will—

Mr Marshall: Is that your name?

The Hon. J.R. RAU: I don't know, is it? I can't see it. If you want to provide me—

The SPEAKER: The leader knows that displays are prohibited.

The Hon. J.R. RAU: I am pleased the leader has shown me the piece of paper to which he is referring. As a matter of interest, this is one of the problems when these sorts of questions emerge, I've noticed. The question was: why is it that we haven't done something by 5 August? I do not see any—

Mr Marshall: 'Implementing this recommendation ahead of receiving the final report will allow us to have the agency better placed to deliver on the important reforms that will be required.' You signed it.

The SPEAKER: The leader is warned for the second and final time for that extended interjection.

The Hon. J.R. RAU: I am struggling to understand what the question is because I have just—

Mr Gardner interjecting:

The SPEAKER: The member for Morialta will need to do some doorknocking in Mount Pleasant, and I will give him the time if he continues.

The Hon. J.R. RAU: As I hear it, he would appreciate that. As I hear it, the doorknocking will be mainly members of the Liberal Party.

The SPEAKER: I hear that also.

The Hon. J.R. RAU: As I said, I did explain earlier what the situation is. We have had a search for a chief executive. We have found a suitable candidate. The suitable candidate commences work on 31 October. We have given an indication that we expect the formal machinery of government changes to be in place by no later than 1 November. We made a decision—

Ms Sanderson: By 5 August.

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

Mr Wingard interjecting:

The SPEAKER: And so is the member for Mitchell.

The Hon. J.R. RAU: We made a decision some time ago that there would be a separation from education of those functions. We are now rolling that out. When the new chief executive, who doesn't start work until 31 October, turns up for her first day at work, she will have a brand-new agency.

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:26): Supplementary: where will this new department be located?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:26): That's a good question.

Mr Whetstone interjecting:

The Hon. J.R. RAU: No, this is better than some of the other questions.

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

The Hon. J.R. RAU: It is certainly better than the last one. The situation is that many of the people who perform the functions that we are talking about here, the child protection functions—

Mr Marshall interjecting:

The Hon. J.R. RAU: I am trying to answer your question, if you would just settle a little bit.

Ms Chapman interjecting:

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

The Hon. J.R. RAU: Just settle.

Mr Pisoni: What about an email address?

The SPEAKER: The member for Unley is warned for the second and the last time.

The Hon. J.R. RAU: I am very concerned that a member of the Italian parliament is seeing such disorderly behaviour.

The SPEAKER: Particularly by a paesano.

The Hon. J.R. RAU: In any event, one would have hoped that they would have performed in a more orderly fashion. In any event, many of the people who do the actual duties, the work involved in this, are already in—

Mr Marshall interjecting:

The Hon. J.R. RAU: Alright, can I get the whole sentence out, please?

Mr Marshall: It's not a trick question.

The Hon. J.R. RAU: No, and it's not a tricky answer, if I am allowed to finish it. There are Families people who are centred in various places around South Australia. They are dedicated places which are populated not by people from—

Ms Sanderson: So where's head office?

The SPEAKER: The member for Adelaide is warned.

The Hon. J.R. RAU: These places are not populated by people from the education department. These places are populated by people who do a particular function, which is child safety. Those places are going to obviously continue to operate. It would be foolish to terminate a lease and then move across the road and take out a new lease just for the sake of having a different building. There obviously will be a change in the badging of the premises, and so these people will be working, as they have been working, out in the field, so to speak, operating out of appropriate premises.

Mr van Holst Pellekaan interjecting:

The SPEAKER: The member for Stuart is warned.

The Hon. J.R. RAU: None of this is very difficult if you just listen.

Mr van Holst Pellekaan interjecting:

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

The Hon. J.R. RAU: To the extent that there is any co-location of these people and education people, that will be sorted out once the new arrangements are in place. I can tell members, so they can be comforted in this, that many of the child functions we are talking about occur already in dedicated offices which are split all around the place. There is no reason to close those places just because that particular function is moving into a different department. That function will continue to have to be done, and there is no reason why it shouldn't be done from where it presently is being done.

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): Supplementary, sir: for clarity, can the Attorney-General inform the house whether the executive and the new chief executive will be located in the existing education department and, if so, can he provide any plausible explanation to this parliament as to why it is taking so long to effect this change, promised for 5 August, if they are staying in exactly the same building?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:30): The idea that creating a new department is simply moving people from one office to another office is quite ludicrous. It is an immensely complex process, and I understand that people on the other side have never experienced government and so are unclear about the details.

It is an immensely complex process to establish a new department, particularly one for child protection, which has never been established independently in South Australia before. Under the previous Liberal regime, it was in a massive department called Human Services and, under an earlier version of our government, it was in with housing and disabilities and communities and then it was moved into education. Now, for the first time, it is going to be on its own.

What we need to do in creating this department is identify exactly what pertains to the matter of child protection, as opposed to other activities in the old iteration associated with housing and disability, in the current iteration dealing with young people and children in general, but not necessarily under the protection of the minister or in need of the protection of the minister.

To work through all of that, including the implications for health, the implications for existing services within education and what will sit in this stand-alone department, takes time to do properly. We needed to make sure that we got the recommendations from the Nyland report to understand whether that put any different spin on which part of government activities were going to this independent agency. We also need to make sure that it is founded properly with corporate services and established in a way that means it will be able to stand independently.

It does require rebranding. It is very important that people understand that this department is not the same as Families SA and that this department is doing what overlaps with Families SA's current business but is not identical. The rebranding will occur as part of the rollout of the decision come 1 November. But to say that this is about where someone's desk sits in the central office completely misses the point about how profound a change this is.

Mr MARSHALL: Supplementary, sir. Given that the minister—

The SPEAKER: Let's make it a fresh question.

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): Given that the minister has outlined to the house how complicated the establishment of a new department is, quite in contrast with the Attorney-General, can the minister explain—

The SPEAKER: The leader will be seated. Questions are not to contain commentary or argumentation. Next time, I will just take the series of questions away. Leader.

CHILD PROTECTION DEPARTMENT

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): Thank you. Can the minister explain to the house why she put her name to the press release put out on 21 June which promised that the new department will be established by 5 August this year?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:33): We have already established that that phrase is not in the press release. I have only had the benefit of hearing the Acting Premier's recitation of the sentence, or your recitation of the sentence, leader. The reason Margaret Nyland gave us this advice in advance of her final report—roughly, a month in advance—was that it would take us a while to do this.

One of the things we had to do immediately was start the search for a chief executive. While, in different configurations of machinery of government, organisational decisions can work for different reasons, what is most exciting about having a stand-alone agency is that we get a chief executive. We get someone at chief executive level who will come in and lead this organisation.

An absolute priority for us, having understood that we would be creating a separate agency, was to start the search, and I am pleased that we have not only completed it but that we have a start

date that is earlier than I thought might be possible, given the seniority of the people we were approaching as part of the recruitment process. I will leave it at that.

JOB ACCELERATOR GRANT SCHEME

The Hon. J.M. RANKINE (Wright) (14:34): My question is to the Treasurer. I ask the Treasurer to inform the house on the uptake of the job accelerator grants.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:35): Every one of the government's economic policies is designed to ensure that South Australia becomes a better place to do business, and the job accelerator grant—a $109 million program for business to employ additional staff—is one of those initiatives to ensure that South Australia does become a better place to do business.

A job accelerator grant provides up to $10,000 for each and every job created for eligible businesses with taxable payrolls of $5 million or less, and up to $4,000 for each and every job created by a small business start-up and other employers that are not liable for payroll tax. So, there are two grants: one for $10,000 and one for $4,000.

Today, I can inform the house that more than 1,100 registrations have been logged on our system. From young apprentices at businesses such as Boyd Plumbing and Gas, who have taken on an apprentice and applied for a $4,000 small business and start-up grant, to 17 new drivers at BT Transport & Logistics in Cavan, who provide a range of transport services to defence, mining, civil and other industries in South Australia, we are starting to see this program bear fruit.

In conjunction with the government's $0.5 billion investment into STEM, upgrading our schools' science and technology facilities and our more than $12 billion investment in economic infrastructure, the job accelerator grant is assisting in creating the jobs of today and, of course, the jobs of the future. This is on top of, I think, nation-leading tax reform—the most comprehensive package in our state's history which sees us abolishing business stamp duties, returning $670 million to businesses and families and making South Australia one of the most attractive states in Australia to do business.

These are tax cuts which the Leader of the Opposition stated would not create a single job but then, of course, called on us to bring forward. Our tax reforms come on top of WorkCover changes and reforms which have delivered an extra $180 million worth of annual savings to business. Last year's state budget was about cutting taxes so that businesses are free to invest, grow and transform. This year's budget has jobs as its number one priority, and these grants provide a great incentive to encourage small to medium businesses to employ and unlock more money for them to invest in their businesses.

Small and medium businesses are the backbone of our economy, and we want to reward those businesses that are seeking to grow and help them grow faster. The small business community should be reassured that they have a friend in this government compared to the disingenuous response from the Leader of the Opposition after we announced the job accelerator grant.

Mr GARDNER: Point of order, sir.

The Hon. A. KOUTSANTONIS: The leak, courtesy of the member for—

The SPEAKER: Point of order from the member for Morialta.

Mr GARDNER: Standing order 98: debate.

The SPEAKER: I uphold the point of order. Treasurer.

The Hon. A. KOUTSANTONIS: Mr Speaker, fair enough that you uphold a point of order when I was trying to point out that the opposition were criticising job accelerator grants when, in fact, they were considering them privately in the shadow cabinet. We discovered that through a leak, courtesy of members opposite—

Mr GARDNER: Point of order, sir.

The Hon. A. KOUTSANTONIS: —thank you.

The SPEAKER: Point of order.

Mr GARDNER: Undermining your authority: standing order 141.

The SPEAKER: While recapitulating the offence, yes, thank you. Is the Treasurer finished? The leader.

Mr Pisoni interjecting:

The SPEAKER: Is the member for Unley interjecting or merely talking to himself? The leader.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39): My question is to the Minister for Education and Child Development. How many recommendations from the royal commission has the government rejected?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:39): In terms of recommendations, we are working through them. As the commissioner said, we should be working thoroughly and taking things in an orderly way so that we don't make errors and trip over ourselves.

We are not, at the present time, excluding recommendations. What we are doing is picking off as many recommendations as are reasonably clear that we can and will agree to achieve. Some of them require further work and investigation, and in respect of those there is no decision at present one way or the other.

Some of the recommendations—for example, the ones in relation to a children's commissioner, screening and data sharing—we have already acted on. Some of them are in the nature of administrative or departmental changes which relate to changes in the way the department goes about its work, and they are matters that my ministerial colleague and her chief executive have been working on.

The short answer to the question about how many things we have excluded is that at the moment we haven't excluded anything. But we are going to have to look at the remaining 220-odd recommendations, work our way through them and see whether we accept all of them or some of them, and whether they are accepted in whole or in part. That's a work in progress. That's actually something that we committed to putting a team of experienced public servants together to achieve that work, and they are busily working at it.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): Supplementary: can the Attorney-General clarify to the house the government's feelings towards the specific recommendation in the report regarding the secure therapeutic care facility, as recommended in this royal commission report and also in commissioner Mullighan's report?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:41): I am glad to discuss this. It is an extremely complex decision to make, to create a secure facility where you are essentially locking up a child who hasn't done anything wrong. It is not like putting them in a juvenile justice institution; it is about containing them because of concerns about their own safety.

I realise it was a recommendation that has been made in a previous royal commission. With the reaction, particularly led by the then guardian, the government decided not to pursue that. Her sense was that it was too dangerous for the welfare of the kids involved and she was very firmly against that recommendation. As with all of the other recommendations that we have not yet accepted, we are currently in a process of consulting with the community on those recommendations, and in particular those advocates for children under the care and protection of the minister.

I will be interested to see whether they feel that the safeguards that sit around that facility will be sufficient. If you read the Nyland report carefully, in the body of the report she does

acknowledge the reasons for this being a difficult recommendation to come to terms with. I have an open mind about it. I have come across a couple of cases where I have felt that it might have been useful to have such a facility, but I can see why the guardian was concerned about it previously. We will allow this process of consultation to run its course.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:43): Supplementary, sir: what is the time frame for the government arriving at a position on this specific recommendation? While the minister is on her feet, can she also clarify the comments relating to this recommendation made by the Premier?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:43): Sorry, I missed the second question about the Premier, but the time frame for all of the remaining recommendations is the end of the year, as recommended by Margaret Nyland. She has indicated that we ought to take the remainder of the year to work through the response, and so that one will form part of that.

Whether there are any recommendations where the community response is so strong that they ask us to take even longer to create greater certainty about the safeguards around a recommendation such as that one, I genuinely don't know. I have attended some of the consultations, but I haven't attended all of them, so I don't have a strong sense of where people are sitting on that recommendation at present.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:44): In relation to clarification of the comments made by the Premier regarding this recommendation, can you reconcile those comments with your comments to the house just now? Just for clarity, the minister is saying that she is not aware of the Premier's public comments regarding this specific recommendation regarding a secure therapeutic care facility, as recommended not only by Margaret Nyland but of course by commissioner Mullighan.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:44): I will have to refresh my memory on the detail. If you are not going to give it to me as part of the question, then forgive me for not being able to answer it.

Members interjecting:

The SPEAKER: If the only the Premier 'were' here—it's in the subjunctive.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:45): A further supplementary, sir: would the other Minister for Child Protection like to clarify the situation?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:45): This is something that members opposite do quite frequently, which is to ask—

Members interjecting:

The SPEAKER: The member for Unley is on thin ice.

The Hon. J.R. RAU: —a question, purportedly quoting something which is said by somebody, without any reference to it, and to say, 'Well, what do we think about this?' If the Leader of the Opposition has a specific thing that he would like to share with my ministerial colleague or me—just as he did with that press release which didn't clarify things much, but never mind—he can. But the fact is, as I can tell you, as a matter of fact we as a government had not rejected anything—

Mr Marshall interjecting:

The Hon. J.R. RAU: Let me finish—because we haven't considered everything. All we have done is said that there are some things we are going to do, and we will do them straightaway. Some of those are in the parliament today; the rest of them we will get to, we hope, by the end of the year, as the minister has said.

Members interjecting:

The Hon. J.R. RAU: I would be interested to know what the opposition thinks about the whole 260 recommendations.

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

The Hon. J.R. RAU: I would be very interested to know whether the opposition has come to a conclusion about that and the other 259 recommendations because it would be good for them to share their thoughts on that. They might even be able to tell us what their costings are for the things they have agreed to—that would be handy as well.

Mr Marshall: Next question to me?

The SPEAKER: One normally denotes one's willingness to do that by standing.

Mr MARSHALL: It's not a supplementary, that's why I was waiting for the call. So, did you give me the call?

The SPEAKER: Yes. The leader.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:47): Thank you. My question is to the Minister for Education and Child Development. Given the royal commission referred to the need for a new—

The Hon. A. Koutsantonis interjecting:

Mr MARSHALL: —and refreshed leadership of the agency responsible for child protection—

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

Mr MARSHALL: Would you like me to start that question again, sir?

The SPEAKER: Yes, I would.

Mr MARSHALL: Thank you. My question is to the Minister for Education and Child Development. Given the royal commission referred to the need for new and refreshed leadership of the agency responsible for child protection, why should you continue to be the minister responsible for this critically important role?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:48): The royal commission report was very clearly silent on the question of ministerial responsibility. Had the royal commissioner wished to make a recommendation on ministerial allocation, she undoubtedly would have. What she talked about was the creation of a department and the appointment of a chief executive.

Mr MARSHALL: Supplementary, sir.

The SPEAKER: Has the Minister for Education finished her answer?

The Hon. S.E. CLOSE: Yes.

The SPEAKER: Leader, supplementary.

CHILD PROTECTION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:48): Did the minister offer to resign from this role to the Premier?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:49): No.

The SPEAKER: Member for Napier.

DEFENCE INDUSTRIES

Mr GEE (Napier) (14:49): My question is to the Minister for Defence Industries. Can the minister update the house on South Australia's contribution to the federal government's project to procure the next generation of armoured fighting vehicles?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:49): I thank the member for Napier for his question. The project to acquire 225 combat reconnaissance vehicles to replace the army's ASLAV combat vehicle and M113 personnel carrier fleet is in its second phase.

Two down-selected bidders, BAE Systems Australia and Rheinmetall, are engaged in a tender evaluation process for the project entitled LAND 400. It is during this phase that local companies can show their capabilities to the international manufactures that I just mentioned. The South Australian government is in constant discussions with both bidders and we made a major pitch to the entire industry at the recent Land Forces 2016 conference in Adelaide. The conference was the largest of its type—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned.

The Hon. M.L.J. HAMILTON-SMITH: —in Adelaide, with organisers advising that more than 13,000 visitors attended over the week. The Adelaide Convention Centre hosted over 500 exhibitors and 23 different countries were represented.

An example of the impact of this event is the connections local businesses can make with defence supply chains. The southern suburbs manufacturing business REDARC sent me a note last week thanking the South Australian government and Defence SA staff for the support and assistance they received throughout the conference. As a result, REDARC was able to host Brigadier Haydn Kohl, Director General of Land Vehicle Systems, and his staff on a tour of REDARC's manufacturing facility in Lonsdale, as well as some very productive discussions on the company's patented technology and products.

One of the most high-powered gatherings that coincided with Land Forces was the Chief of Army's Exercise, which attracted 22 different armies from around the world. I was honoured to represent the state government at the Chief of Army dinner, after speaking earlier at the Land Forces welcome breakfast and Defence SA official dinner the previous evening. Central to our state's pitch during that week were the facilities and support we are able to offer those involved in the LAND 400 bids for the replacement combat vehicles and armoured personnel carriers. The project is worth $4 billion to $5 billion.

The tender evaluation process concludes in August 2017 and it is the South Australian government's intention to work as hard as we can to maximise our state's role in the manufacture of these technologically advanced vehicles.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52): My question is to the Minister for Education and Child Development. Can the minister confirm whether the royal commission's suggestion that all staff answering CARL lines and the calls in particular have at least three years' field experience has been adopted and, if not, why not?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:52): We are still working through that recommendation. We did immediately accept the recommendation, somewhat to my chagrin, that we not have non-social work qualified people answering the calls. As members will be well aware, I was pretty keen on doing a trial of non-social workers answering calls in order to see if we could get the wait time down. However, there was an explicit recommendation that we not proceed with that and so we accepted that immediately. Otherwise, we have staff management and disposition issues

of course. We can't just pull people off work that they are doing that is important but we are working through the staffing profile at present.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): I have a supplementary question. Has the minister replaced any of the people working on the CARL line with personnel who have three years of experience?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:53): I will seek advice from the chief executive about the detail of changes. Staff changes occur all the time so I will make sure that I am accurate in my response.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:53): I have a question again to the Minister for Education and Child Development. Given the royal commission's recommendation that no child under the age of 10 years be living in either emergency or residential care, unless to keep a sibling group together, can the minister confirm whether any children under this age are doing so now and, if so, how many?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:53): I am curious about whether we are going to go through every single recommendation of the 260 minus 38 because, as has been very clear, we are going to take until the end of the year to work through the recommendations that we have yet to accept and address. While I absolutely support Justice Nyland's view about residential care facilities for children under 10—in fact, residential care facilities altogether in most cases are undesirable—I am not sure where people think we might put children immediately overnight if we are to move too quickly.

That is why Justice Nyland was so thoughtful in her report in making sure that we knew that we should take time to do this and that we should do it with the non-government organisations and the members of the community who are intimately involved in the delivery of these services, because if we push one button in one part of the system we risk causing chaos in others. We cannot remove children summarily from houses where they are being fed and where they are sleeping and put them on the streets because there is a recommendation that we not have children under 10 in residential care facilities.

Naturally, what we need to do at the initial end is get much better at prevention because if you have, by the age of 10, one in four of our children in this state having a notification made about them, which means someone is concerned about them—and that is at least one notification, many have multiple—then clearly what we are talking about is a failure of parenting and we need to work far better as a government and as a community with NGOs at improving our support early.

At the same time, at the other end, once children are under the care and guardianship of the minister, we need to find more homes for these children. We are not performing as well as some other states in providing sufficient foster care families and we are putting a lot of effort right now into (a) advertising (and we are seeing some results at least in people expressing an interest in finding out more about foster care) and (b) working to improve the foster care system, which is absolutely crucial because the best advocates for foster carers in the future are current foster carers and at present we have too many issues in the system where some foster carers feel aggrieved.

We need to sort out our system so that it is a more attractive proposition in order to get more carers in the future, and that is a project that we are undertaking at present as well.

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:56): Supplementary: given the minister has expressed concern about this circumstance of under 10 year olds being in this type of accommodation, can she tell the house whether, in the time she has been minister, there are fewer or more under 10 year olds in these circumstances?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:56): I can't unambiguously answer that because I don't have figures by age with me, but it is very likely that there are more because there are so many more children in out-of-home care. We have gone from about 2,800, when I became minister, to nearly 3,300 under guardianship, and we have not been able to keep pace with KinCare and foster care, so we have seen a proliferation of the number of kids who are not in family-based care. It is a source of enormous grief to me and I ask that we all work together to improve the system to make people want to be foster carers so that they can offer a home for these children.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to the house today a former member, Stanley George Evans, member of the house from 1968 to 1993, representing Onkaparinga, Fisher and Davenport.

Question Time

FLOOD RELIEF OPERATIONS

Mr PICTON (Kaurna) (14:57): My question is to the Minister for Communities and Social Inclusion. What assistance is the government providing to help the community recover from the recent floods?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:57): I thank the member for Kaurna for his question and his advocacy, and also the member for Reynell who came out with me to the recovery centres.

At 3.51pm on Wednesday 14 September, the state emergency centre was activated by the State Emergency Service due to flooding concerns. An emergency relief centre was established and opened that night at 7 Conyngham Street, Glenunga, followed quickly by a second relief centre at Jessica Street, Aberfoyle Park. Both of these initial emergency relief centres were closed the next morning and two recovery centres were subsequently opened that same morning at the Old Noarlunga Institute at Patapinda Road and at Greenhill Road, Burnside.

These two recovery centres remained in operation over the weekend, opening from 7am to 7pm on both Saturday and Sunday, to provide the following services: information on the types of assistance available, emergency and flood clean-up grants, and accommodation for those unable to return to their home.

Emergency relief grants were available for affected families, whose property became inaccessible due to the flood, to cover their immediate necessities, such as food and clothing, up to a maximum value of $700. Flood clean-up grants were also available on a per residence basis to people whose principal place of residence was damaged by flood and to a landlord where there is damage to their property. The maximum value of the grant to cover the cost of cleaning up damage was $700.

As of 10am this morning, 257 people have registered at the Burnside and Old Noarlunga emergency recovery centres. A total of 153 grants have been paid, with a combined value of $81,170. This includes 95 emergency clean-up grants and 58 emergency grants. Eight families were also provided with a total of 20 nights' accommodation. The Red Cross has provided invaluable assistance with registrations at the Old Noarlunga emergency relief centre and also began outreach services in Old Noarlunga on Friday 16 September.

We encourage anyone seeking further information about the types of assistance available to visit the website www.sa.gov.au/recovery and, of course, they can call the hotline on 1800 302 787. I would like to take the opportunity to thank all those volunteers—including, I think, the member for Morphett—who came out on Wednesday night and Thursday. We really appreciate, in these times of need, that South Australians deliver and support us. Thank you.

FLINDERS MEDICAL CENTRE

Ms DIGANCE (Elder) (15:01): My question is to the Minister for Health. Can the minister explain to the house why the state government is increasing the capacity of the new multistorey car park at Flinders Medical Centre?

Members interjecting:

The SPEAKER: The members for Morphett and Davenport are called to order.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:01): Part of our upgrade of Flinders Medical Centre includes the construction of a new multistorey car park. Yesterday, I announced that we would increase it from five levels and 1,240 spaces to seven levels and 1,780 spaces. The reason we originally planned for five levels and 1,240 spaces is that our modelling showed that it would be enough to accommodate the extra work that Flinders will be doing when services move from the Repat General Hospital, but I want to thank a couple of colleagues for persuading me to increase the size of the car park to ensure that we futureproof it.

It will mean that there is enough parking available close to hospital services for many years to come. In fact, I was told in no uncertain terms that, if we only built it to five levels when we could have built it to seven, in years to come the smaller car park might be seen as our one-way expressway—and no-one would want that. Those colleagues who helped persuade me were, of course, the member for Elder and the member for Fisher—two former nurses and two people who are both talking to their constituents and to hospital patients and staff—

Mr Duluk: I'm still waiting for your reply to my letter on the same issue. When are you going to reply to my letter?

The SPEAKER: The member for Davenport was not provoked. He is warned.

The Hon. J.J. SNELLING: Wait a moment, Blackbeard.

The SPEAKER: He is now being provoked.

The Hon. J.J. SNELLING: I also received correspondence from many Bedford Park residents who told me that local streets were being used by Flinders Medical Centre staff and patients. Understandably, they also wanted more parking capacity at the hospital. But it would be remiss of me not to thank those residents' local MP, the member for Davenport. He has written to me twice to draw my attention to the matter, noting the fear that extra spaces will help current needs, not future demands. What a pity the member for Davenport is at odds with his opposition health spokesman, who described the bigger car park as a poor planning decision.

Ms SANDERSON: Supplementary?

ROAD NETWORK

The Hon. T.R. KENYON (Newland) (15:03): My question is to the Minister for Transport and Infrastructure. Can the minister update the house on the impact of recent floods on the state's road network?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:03): I thank the member for Newland for his question. As the Minister for Communities and Social Inclusion was just speaking about, the effects of last week's heavy rain and flooding events were widespread. Significant damage was caused to parts of the road network, in particular. I have to say that the recovery efforts highlighted the importance of road and traffic management staff working with emergency service personnel across all service levels and also local government.

During the severe weather event, we were required, along with local government, to close approximately 60 council and arterial roads. Last Friday, I visited parts of the road network that were significantly impacted by this heavy rain and flooding, in particular Waterfall Gully Road and Gorge Road, which both suffered extensive damage. Works to repair damage began almost immediately once water had subsided and roads were safe to access, and both government officers and local government staff continue to work towards returning these roads to full access for the community.

Field crews and engineers are continuing to undertake safety and condition assessments, repairing roads in an attempt to reopen them as quickly as possible.

Waterfall Gully Road suffered extensive structural damage in a number of locations, with vast sections of the road base being washed away, leaving the relatively thin road surface remaining clearly not suitable for general access. Further, some parts of Waterfall Gully Road were completely covered by rocks and other debris from First Creek. Stormwater drains were blocked early by debris, contributing to this flooding and also some inundation of properties. There is a significant amount of work still to do on this road. It has been reopened for local residents, and emergency services and utilities, but not for general access.

On Gorge Road, works are continuing after several land slippages that forced the road to be closed for several days. Rock slips and landslides have blocked the road at various locations between Castambul and Cudlee Creek, and transport department crews and contractors have been working to remove the mud and rocks from the road. I should also point out that on Gorge Road, even though some of the debris has been cleared from the road surface, both geologists and arborists need to come in and inspect the rock face as well as the vegetation along the top of those road cuttings to make sure that there is a low risk of further slippage of rock face material or major trees coming down from the top of those areas.

I am also aware of other roads across the state, although I have not yet had the chance to visit. The member for Morialta has written to me about Montacute Road. There is a significant amount of work to do by local government, but the government is prepared to assist them where we can, and on Langhorne Creek Road as well. Also, the member for Stuart has raised with me not only the condition of outback roads, which needed to be closed, but a very difficult and unfortunate break in the ability of the road closure signs to accurately communicate the status of those roads.

The impact of the damage, as I have outlined, has been widespread across the state. We will continue to work as quickly as possible to reopen those roads and ensure that they are safe, not just for affected residents or businesses but for general access across the state. I look forward to updating those members in particular and the house in due course.

GRAIN CROPS

Ms COOK (Fisher) (15:07): My question is to the Minister for Agriculture, Food and Fisheries. Minister, how are the state's grain crops performing?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:07): As good as it is to be back in this place, one of the good things about having a few weeks out of here is that it gives us all the opportunity to get out and have a look around the state. I have been over to Eyre Peninsula and up to the Flinders Ranges, to Kangaroo Island, down to the Mallee, the Upper South-East and to Balaklava, and everywhere I have been I have seen fantastic crops. It is terrific.

Last week in particular, it was good to be in Keith and Bordertown, where they have had a couple of horrendous seasons. To see the crops down there doing so well is terrific. They say that Kangaroo Island is having one of their best seasons for a long time as well. I was in the Riverland last week—

The Hon. A. Koutsantonis: So was Nick Xenophon.

The Hon. L.W.K. BIGNELL: Yes, they like Nick up there. I was at the field days in Barmera, and people are very optimistic up there. We have seen these fantastic crops. Obviously, we need to keep our fingers crossed that we get the right sorts of conditions through the rest of spring—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is on thin ice.

The Hon. L.W.K. BIGNELL: —because, as farmers know, you can't count the harvest until it's in the silos. What we have is the latest crop report that comes out every second month.

Mr Pengilly: Talk about the wheat price—that's not good.

The Hon. L.W.K. BIGNELL: You always find something to whinge about, member for Finniss, don't you? You could be in a spa with a bottle of champagne and you would still whinge. I am pleased to say that South Australia is heading towards its eighth consecutive above average crop, with a 2016-17 estimate at 8.9 million tonnes, worth an estimated $1.8 billion at the farm gate. I think that is great news for all South Australians. Whether you live in the country or the city, everyone in South Australia benefits when farms are doing well and we have great crops.

The Crop and Pasture Report, produced by Primary Industries and Regions SA, shows rainfall and growing conditions have been ideal, as we know, in most districts across the state, with above average yields predicted in all districts. The long-term 10-year average crop production is 6.9 million tonnes. We put that up last year because we had had those seven consecutive years of above 10-year average. That has gone up 6.9 million; 8.9 million is the estimate this year. In fact, the harvest is on track to be the third biggest crop on record.

Mr Knoll interjecting:

The Hon. L.W.K. BIGNELL: This is the one we're putting up online today. This is the latest report. I always like to inform the parliament first, sir. The childish member for Schubert, he gets on and googles and everything else. Google it in 10 minutes, mate, and then you will find it.

The Hon. A. Koutsantonis: Let your fingers do the walking.

The Hon. L.W.K. BIGNELL: Yes. The harvest is on track to be the third biggest crop on record after the 2010-11 crop of 10.3 million tonnes and the 2001-02 crop of 9.4 million tonnes. I think it is now time that we all cross our fingers and hope for good finishing conditions and for no pests to turn up. Let's hope our farmers have an absolute bumper crop this year because, as I said, the whole state does well when our farmers do well. Our government is a great friend of the farmers.

The SPEAKER: The member for Adelaide, incorporating Walkerville.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:12): My question is to the Minister for Education and Child Development. Can the minister confirm whether Families SA still relies upon single-staff shifts and whether the government will implement recommendation 150 from the royal commission and abandon this practice?

The Hon. S.E. Close interjecting:

Mr Marshall: Why is it so funny, Susan?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:12): I just love the enthusiasm; it's beautiful. My recollection of 150—and I would just like to confirm—is that that relates to commercial care shifts. That is referring to 'abandon single-handed shifts', yes. We are in the process of redrawing the contracts with our commercial carers so that there are no longer single-handed shifts for commercial carers. It obviously takes a period of time to both redo the contract and for them to recruit. A broader consideration of moving away from single-handed shifts is an ongoing consideration as part of the response.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:13): Supplementary: recommendation 132 requires forthwith the abandonment of single-handed shifts by commercial carers engaged through commercial agencies, which has already been agreed to by the government. My question was regarding 150. For Families SA staff, why would a differing level of standards be expected for your own staff when it was Shannon McCoole's actions that led to the royal commission?

The SPEAKER: The member for Adelaide is flagrantly violating standing orders by debating—

Mr Whetstone interjecting:

The SPEAKER: —the member for Chaffey is warned for the second and final time—by flagrantly debating the question and including extraneous material and comment. If she persists in doing that, she will just lose the right to ask questions. Minister.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:14): In an act of prescience, I answered both of those recommendations in my previous answer.

DISABILITY SERVICES

Ms WORTLEY (Torrens) (15:14): My question is to the Minister for Disabilities and Minister for Mental Health and Substance Abuse. Can the minister tell the house about her recent regional visit for country cabinet?

The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:15): Recently, with my parliamentary and cabinet colleagues I had the opportunity to visit the towns of Pinnaroo, Lameroo and Karoonda as part of country cabinet and I stopped at Murray Bridge on the way back. I have been to Murray Bridge before to visit disability services, but it was great to catch up with some new residents and their carers on the day that I drove back.

The trip was a great opportunity to meet local people and discuss the issues affecting them at the morning and afternoon teas at the local sports clubs hosted by the communities. It was an opportunity for me to hear from the passionate locals how they were living their lives, how their industries were blossoming and the facilities that they put value on in their communities. It was also pleasing to see so many positive stories about bumper crops and families that are staying together on the land after some difficult years.

I toured the Karoonda and District Soldiers' Memorial Hospital, joined by the local member (the member for Chaffey), nursing staff and SA Health executives. We could see the clearly wonderful relationship between the aged-care facility workers in that space and the older local residents residing in the facility. From these residents, it was touching to hear their personal stories, their connection to the hospital and the value and importance it has had in their lives over the preceding decades.

In Murray Bridge, with the Minister for Employment (Hon. Kyam Maher, of the other place), I visited Cara, a supported accommodation home, to meet one of the new disability service workers who is moving into the sector after having left a horse transportation business that she and her husband had run. We know that the disability sector is undergoing massive transformation, and there will be roughly 6,000 new jobs coming into the space in the next couple of years with the full implementation of the NDIS in July 2018. Marie, who has moved into this space because she feels she has some caring capacity now her children have grown and her husband is working away in the Northern Territory, has stepped in and was one of four people starting at the Cara facility that week.

I have had the opportunity to visit other regional and remote locations where this company has been placing work—in Port Lincoln, with the member for Flinders, recently, as well—and it is an amazing opportunity for people to engage in a new and growing employment space, and I encourage all members in this place to encourage their community to upskill and get involved in the NDIS rollout. There are great opportunities for employment in local areas, especially in rural and remote areas.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:17): My question is to the Minister for Education and Child Development. Have screening and response priority tools been reviewed to ensure these tools are giving due weight to cumulative harm and chronic neglect, amongst other issues, as per recommendation 32 made by the royal commission?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:18): We are in the process of reviewing our screening tools, in any case. Members will recall that the Deputy Premier, in his capacity as Minister for Child Protection Reform, introduced amendments to the legislation in order to recognise cumulative harm when considering what is happening with a child when a notification is made. Along

with all the other recommendations that are yet to be directly responded to, we will be reporting by the end of the year.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:18): My question again is to the Minister for Education and Child Development. When will automated call-back features be in place for the CARL line as per recommendation 35, which was accepted by the royal commission, given that these were available to the government for several years?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:18): We are in the process of finalising being able to do that. We have accepted the recommendation. We will do that as a lengthy substantial trial. The considerations that we are working through at present are, essentially, legal in nature. Mandatory reporters are required by law to make a notification, and we need to confirm whether the obligation has been discharged simply by leaving a number on a callback or whether there remains an obligation on the notifier, should they not hear back from the service, to reinitiate.

We also need to make sure in more practical terms—and this is the reason for a trial—whether in fact it does lessen the workload for the staff and whether it does lessen the wait times and fulfil the expectations of the notifiers. So, we are working through some of those details—in particular, that question around discharge of obligation legally—and we will then introduce the trial.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:20): My question again is to the Minister for Education and Child Development. Has public information concerning the services provided by the Crisis Care service been updated, as per recommendation 39, which was accepted, and, if not, why not?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:20): I know that we have accepted that notification. Whether it has gone live yet, I may have with me, but it will take too long for the house to wait, so I will take that on notice.

Grievance Debate

CHILD PROTECTION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:20): Members today would have been sitting in shock to hear the government's response to why they have failed to establish the new child protection department, which they promised on 21 June this year. Commissioner Nyland had announced, in an interim report, her recommendation that this be advanced. The Premier made a clear statement that day to say:

> The creation of a new standalone Department with a clear blueprint for how it should operate will allow for a fresh start in child protection.

He went on to say:

> Implementing this recommendation ahead of receiving the final report will allow us to have the agency better placed to deliver on the important reforms that will be required.

What did we hear today? 'We do not have the new head of the department in place yet. We needed to advertise. We needed to select somebody, but they are not starting until 31 October.' As it stands, they are not even going to have a desk to go and sit at. So, when Ms Cathy Taylor arrives here from Queensland to take up her job as the new head of the department for child protection, she is not even going to have this new office which the Premier had made quite clear, standing at a press conference next to the Minister for Education and Child Development, and next to the Minister for Child Protection Reform, was going to happen.

We have these pathetic excuses today about why they have not changed the sign above the door which is now acknowledged to remain in the same Department for Education and Child Development building, down in the State Administration Centre which, although being sold, is still going to have these tenants. We now know that, just like the SACAT proposal of the government,

they are just going to change the sign on the top of the door and possibly put in a new desk or a new chair for this new head of the department.

They make promises to establish some argument to the public that they are acting. In this case, they wanted to present to the public that they were acting in advance of this avalanche that was to come, namely 260 recommendations to remedy the disgraceful ineptitude of this government. I just want to say that it is not as though this government have not been on notice. Other departments in other states have struggled with this ongoing, burgeoning expectation of children needing care.

Queensland was one of the most recent. Queensland, three years ago in June 2013, published their report, titled Taking Responsibility: a Roadmap for Queensland Child Protection. They made the very clear point, not that their department at that time was in the state of severe dysfunction that has clearly been identified in ours, that they had a burgeoning number of reports and children taken into state care, an overflow of residential care and, of course, the reluctance of the numbers of foster parents to step forward to take on this responsibility. Mr Carmody QC, who wrote that report, who I have a very high regard for, said:

> Keeping Queensland children safe is a shared, but not equal, responsibility. The state is not a co-parent. In a democratic, non-Orwellian society, it can only step in when a family is unwilling or unable to care for its own. So, in most cases the best way for government to help children is to support their parents and communities. It does not (and cannot) intervene to remove all risk. Families, teachers, doctors, police and others have to carry acceptable risk when it is their turn, and not pass it on down the line.

They made it very clear what had to be done and they implemented some reforms in Queensland. Those reforms look remarkably like a number of those in the 260 that we have. This is not rocket science. This is not a new problem. In this case, we have a high level of dysfunction. The Premier went out on 21 June and said to the people of South Australia, 'We do have a serious situation and we are going to act on it. We do need new leadership. I am going to keep the same minister, who has been in charge of this mess for the last few years, but I am going to appoint a new CEO.'

I might have a lot more to say in due course about the appointment of Ms Taylor from Queensland and what has failed on her shift, but I make this point: the government and the Premier should not be out there pretending to care about reform in this area if they are not even prepared to have the office ready and the restructure in place for the new leadership to take on its role.

Time expired.

LIGHT ELECTORATE

The Hon. A. PICCOLO (Light) (15:25): Thank you for the opportunity to raise a few matters pertaining to my electorate of Light. The first thing I would like to bring to the attention of the house is the 30th birthday of one of the sporting organisations in the electorate, the Bluejays Softball Club. The Bluejays Softball Club was the brainchild of the late Helen Milics, who wanted to play social softball with a group of women her own age. As a result of her activity, the Bluejays club was formed.

The idea of starting the club was promoted through school newsletters and word of mouth. Before long, there were 16 people who were keen to play. The inaugural coach of the team was Tony Bayliss, who was playing men's softball and baseball at the time. The very first meeting of the Bluejays club was held at Helen Milics's house. When they were thinking of a name for the club, Helen's husband, Talley, who was formerly a teacher at Trinity College, and at Gawler High School when I was a student there, thought of the name 'Bluejays' after recently coming back from Canada where he watched the Toronto Bluejays play, and so the Bluejays Softball Club was born.

Over the years, the Bluejays have won four A-grade, six B-grade, four C-grade, five under-16 and five under-15 grand finals, and they have had a very distinguished career. They have also re-established the junior program, and last season they entered a T-ball and junior team into the Gawler and Districts Softball Association Competition. At the celebrations, it was quite clear that the Bluejays were more than just a softball club; they were also a very strong family. During the evening, they acknowledged those members who are no longer with us, and also provided life memberships to those who made a huge contribution to the club. I wish them a happy 30th birthday.

The other matter I would like to mention to the house is service clubs. We all have service clubs in our communities and they provide wonderful work and support for our communities. The

funds they raise go to very important community clubs. The Roseworthy-Hewett Kiwanis Club, which is one of two Kiwanis clubs in my electorate, was given the opportunity to host this year's national convention of Kiwanis clubs.

At the convention, over 150 delegates from across Australia and overseas gathered at the Sage Hotel in Adelaide to hear reports on the work of various clubs and districts and to listen to a range of guest speakers, including the Governor of South Australia and the Commissioner of Police. The work of service clubs in our community is often underestimated or not properly understood by the general community. For example, last year, the Kiwanis performed 18 million hours of voluntary work worldwide and invested over $US107 million in various community projects.

In my own community, Kiwanis have a number of projects where they support reading and other children's programs in the community. The ethos of the Kiwanis programs is that they have a 'one child one community at a time' model, where they try to change their communities by supporting children in those communities one at a time. I am happy to partner with the Gawler Kiwanis Club and to support one of the schools in their program, the Terrific Kids Program, to purchase books for local schools. The Roseworthy-Hewett club was formed quite recently.

I would also like to mention the 10th birthday celebrations of the women's health group. The Gawler and Surrounds Women's Health Action Group celebrated their 10th anniversary in the middle of August with an event at the Gawler Women's Health Centre. The group's core aims include caring for the health and wellbeing of women accessing the Women's Health Centre using the skills and knowledge of various health professionals and a team of committed volunteers.

Gaye Harden, who was one of the founding members of the group, spoke about the achievements that the group has celebrated over the 10 years and, in particular, the establishment of the Gawler Women's Health Centre. It has been a long journey for this group of women in establishing the centre. On that occasion, the contribution of the Gawler Health Service and the government, through some funding, and a number of other people—including the Gawler Health Foundation—was also recognised.

Time expired.

VOLUNTEER SERVICES

Mr DULUK (Davenport) (15:31): I rise today to recognise the work of the many volunteers who assisted residents and the community on 14 September, when we experienced one of the wettest September days on record. In the Mitcham Hills, creeks were flowing fast, hard enough to damage bridges and walkways in Coromandel Valley and cause serious flooding in the Brownhill Creek area. Reserves and streets were flooded, and houses were damaged in Mitcham.

On behalf of all residents of the Mitcham Hills, I want to extend my gratitude to the many SES and CFS volunteers, especially members of the Sturt SES and Sturt CFS group, SA Police and local council workers, for their help through the day and night to assist our community. While most of us were sheltered from the rain, these people were outside in the wind and rain helping their community, and I am grateful to them all.

In the spirit of recognising volunteers who work outdoors in my beautiful electorate, I would like to thank Barbara, Hayley and Mark of the Friends of Belair National Park for inviting me to join their working bee last Friday. It was a lovely spring morning, and it was good to be outside with 20 other volunteers weeding broom, pittosporum and rhamnus, as well as cleaning up after the rain In an electorate as green as mine, there are many volunteers who care for bushland, parks and reserves, as well as the many historical sites that we have.

As many in the house know, Mitcham Hills is blessed with wonderful areas of bushland and home to the previously mentioned iconic Belair National Park, as well as the Wittunga Botanic Garden, the Sturt Gorge recreation reserve, the Blackwood Forest reserve, Shepherds Hill Recreation Park, Watiparinga Reserve, and the Wirraparinga area (otherwise known as Brownhill Creek). If this was not enough green space for one community, there also exists the Karinya Reserve on the Colebrook site, which is home to a sad but touching monument to the stolen generation.

Every one of these parks, reserves and gardens has dedicated volunteers who weed, prune and keep clean their respective green space. These volunteers also raise money, take guided tours

and promote the enjoyment of the outdoors in the Mitcham Hills area. With your indulgence, Deputy Speaker, I would also like to mention the Friends of Belair National Park, the Friends of Blackwood Forest Recreation Park, the Friends of Blackwood Hill Reserve, the Friends of Chambers Creek, the Friends of Shepherds Hill Recreation Park, the Friends of Sturt Gorge Recreation Park, the Friends of Brownhill Creek and the Brownhill Creek Association, the Friends of Wittunga, and the Friends of Windy Point Reserve.

These groups have many enthusiastic volunteers who care for their respective parks, reserves and, of course, the Wittunga Botanic Garden. Without them, the Department of Environment, and indeed those who work for the department and our rangers, would not have the support they need to continue with their daily work. I am particularly grateful to the friends groups for their commitment to eradicating noxious weeds—not the most glamorous task—the planting of native plants, and for the work they do to encourage the local community to enjoy their respective spaces. Of course, they also deal with vermin in the parks, such as feral cats and foxes.

With a wealth of volunteers in the Mitcham Hills, of course it does not stop with just these friends groups. The Friends of the Gamble Garden provide gardening care for the historic Gamble Cottage and sell plants to raise money to keep the garden looking at its best all year round. The Friends of the Belair Station keep the station and its surrounds in good order, and the Blackwood Action Group spends hours each week improving the streetscape of the Blackwood CBD. Other groups in Davenport include the Watiparinga Reserve Management Committee, which cares for the Watiparinga Reserve, and the Trees for Life group, which works in the Karinya Reserve on the old Colebrook site.

The Grey Box Community Group promotes awareness of the need to preserve the plants and native grey box eucalyptus tree in the grassy woodlands of the Adelaide Hills, and the Junior Field Naturalists South Australia meet at Bellevue Heights Primary School and work to engage primary school-age children with a love of all things natural: animals, reptiles, rocks and crystals. This list is not exhaustive, although I apologise if I have exhausted you with the enormous number of volunteer groups in the Mitcham Hills.

The National Parks Heritage Committee, the Red Gum Gully Our Patch group, the Hill Reserve Residents Action Group, the Mitcham Hills Tree and Garden Society and the Blackwood-Belair Districts Community Association all make a fantastic contribution to greening, beautifying and looking after the historic atmosphere of the Mitcham Hills. Indeed, I am a fortunate person to be representing an electorate with a wealth of green space, historic ambience and wonderful volunteers.

Madam Deputy Speaker, I invite you and all the members of the house to visit Wittunga Botanical Gardens, the Belair National Park or the historic Gamble Garden this spring—you will not be disappointed. In light of the recent closure of Waterfall Gully and that popular run, I encourage walkers out there to come and walk through some of the reserves in my electorate.

STATE BUDGET

Ms COOK (Fisher) (15:36): I am going to use the time today to highlight a number of the revenue enhancements outlined in the budget this year, following on from this morning's debate. The first is amendments to the Authorised Betting Operations Act 2000 to introduce the consumption tax of 15 per cent on net wagering revenue. We have all seen the effects of gambling in our community, so I think this is extremely important. This will be effective from 1 July 2017 and apply to all net wagering revenue from persons located in South Australia by all Australian-based wagering operators. The tax will apply to bets on animal racing, sports such as AFL, cricket and soccer, as well as on events such as political elections or the Academy Awards.

The online betting industry is growing rapidly and by implementing a wagering tax we are ensuring that businesses are paying tax in the jurisdiction in which they are making their profits. South Australia will be the first Australian jurisdiction to introduce such a tax and I am sure that we will not be the last. From an expected $9.2 million of new revenue, based on data from 2014-15, $500,000 will be contributed annually to the Gamblers Rehabilitation Fund. This will ensure that the wagering industry contributes their fair share to help fund services to support and rehabilitate South Australians affected by problem gambling.

Contrary to the 'stop the punters tax' campaign, which I am sure members in here have been receiving emails about, the South Australian government is taxing the betting company based on its profits not the punter. It is not expected that the tax will be passed on to punters as the betting companies will still seek to maximise their profits. Currently, online gambling companies make their money in South Australia and the damage they cause is in South Australia but none of the profits made by companies remain in South Australia. This tax will go some way to changing this.

There have also been amendments to the Education Act 1972 which will enable the CEO of DECD to fix a charge for dependants of subclass 457 visa holders to attend South Australian government schools, as occurs in other jurisdictions. An increase from the current arrangements, where material and service charges only apply to this group, will see them contribute towards other costs incurred by schools. It is intended that the fees for dependants of these visa holders to attend government schools would be introduced in a graduated fashion from 1 January next year.

It is further intended that the fees would be subject to means testing arrangements and discounts where there is more than one child in the family attending a government school. It is intended to be reasonable. Full or partial waiver of fees may be available in exceptional cases of financial hardship. All the funding raised from these fees will then go to early childhood education, which is one of the most crucial areas of our education system and indeed a priority of this government.

The bill makes amendments also to the Zero Waste SA Act 2004 which will establish Green Industries SA as a new statutory authority. As part of the state government's 2014 state election commitments, a new agency to better capture the benefits of the green economy has been created with the formation of the Office of Green Industries SA now established as a statutory authority. The new authority will work with businesses, governments and the environmental sector to realise the full potential of the green economy and encourage innovation and economic growth through the green industry.

It will build on the already successful Zero Waste SA and continue to reduce waste to landfill, improve water and energy efficiencies, increase the state's capacity for recycling and help businesses find new markets for their waste management knowledge and skills. The newly named Green Industry Fund will have expanded uses to include climate change and disaster recovery measures.

I also mention the amendments to the Passenger Transport Act 1994 to allow for a $1 per trip levy on all metro point-to-point transport journeys, which is intended to on 1 October on all taxi and chauffeured services, including rideshare. The entry of new competitors into the market will have a significant impact on the existing industry and this levy will be used to partly fund an assistance package for the SA metro taxi industry. The government will provide a $30,000 payment per taxi licence and a $50 a week payment for a maximum of 11 months for licence lessees.

A maximum non-cash payment surcharge of 5 per cent on the payment of fares via card for a taxi will also be introduced. This will increase transparency and stop people being taken advantage of. Drivers and families bought into the old model and, as we open up the industry, it is only right that they be compensated to help them transition into the new industry. All these changes will help ensure that we can live in a fair and fiscally sound South Australia.

ORRoROO WATER QUALITY

Mr VAN HOLST PELLEKAAN (Stuart) (15:41): I rise to speak about the challenges with regard to water quality in the Orroroo community. As this house knows, water quality is a very serious issue and a big challenge in many parts of the electorate I represent, particularly many outback areas. Also in the southern Flinders Ranges there are at least half a dozen towns which receive very poor quality water directly from SA Water and pay the same price as for high-quality drinking water that is received in Adelaide and many other places.

Today, I focus on the community of Orroroo, which has very bad water reticulated throughout the township, so much so that many household appliances cannot use this water because they become inoperable in just a year, in some cases. It is not possible, in many cases to have enough rainwater, whether it be because of the cost of storage or, very often, a lack of rainfall, to survive on

rainwater. It is extremely expensive and disheartening for these people to pay for such poor quality water and pay full tote odds as other people do.

The community, and the council, have been very proactive looking for a wide range of innovative solutions. They have engaged with the government. They have engaged with the Minister for Water. They have engaged with the Premier. They have engaged with SA Water, and they have engaged with ESCOSA. I would like to read a very short passage from ESCOSA's recently released SA Water Regulatory Determination 2016 which states:

> …SA Water may well identify that Orroroo is the highest priority. In that circumstance, it would be prudent and efficient for SA Water to spend the allowed $10 million to complete the Orroroo upgrade during the RD16 period.

There is a $10 million allowance for SA Water to use if it chooses, as ESCOSA seems to be strongly encouraging them to do. I mentioned that the council has been looking at every single option. Let me take the house back to the government's 2009 community cabinet in Port Augusta, where a meeting was held. At that meeting, one of the issues discussed (I was not there, but I am reliably informed) was a very similar issue to one in Hawker. At the time, Hawker had a pilot desalination plant, and at that meeting the Orroroo community was promised the pilot desalination plant when it was no longer needed at Hawker. Unfortunately, that promise was never fulfilled.

If we move through a range of other possibilities that have been looked at, we come to what now seems to be a very appropriate solution, that is, a pipeline between Orroroo and the SA Water pipeline that supplies the community of Peterborough, approximately 35 kilometres away. I am told by the CEO of the Orroroo-Carrieton council that that solution would cost approximately $12.5 million to $13 million to implement. For the Orroroo-Carrieton council, which I believe is the smallest council in the state by ratepayer income, that is completely and understandably beyond their grasp, but it is well within the state government's grasp, given that it appears there is $10 million available.

That would only leave $3 million for the state government to contribute towards this problem. That would give potable River Murray water to this community, so that local households and businesses can survive. I call on the government to do everything possible to put this solution in place. I call on SA Water to do everything possible to put this solution in place. It seems that there would be a relatively low cost to government over and above money that is already available for this purpose to solve this very long-term problem.

It is completely unacceptable for this community's households and businesses to be paying the same price that is paid everywhere else for sparkling, clear, healthy River Murray water for very poor quality water, with such high salt and other mineral content that it erodes pipes and all sorts of household fittings. There would also, no doubt, have to be a saving to SA Water. I have seen firsthand the pipes and appliances that are pulled out of houses in Orroroo. Similar damage must be being done to the SA Water-owned and operated reticulation system in the district, too. No doubt, they could save themselves an enormous amount of future cost if they made this investment.

ADELAIDE FLOODS

Mr PICTON (Kaurna) (15:46): I rise today to raise the important issue of the floods that hit South Australia and particularly Adelaide last week, which particularly hit the southern suburbs of Adelaide in my electorate as well as the neighbouring electorates of Mawson and Fisher. On Wednesday night, we started getting the warnings that the Onkaparinga River may flood. Those warnings started to escalate as the night went on, to the point that, at about 11 o'clock, SES volunteers were doorknocking across Old Noarlunga, asking people to evacuate. At least 100 houses in Old Noarlunga were flooded and there were significant floods in Clarendon as well.

Extensive flooding happened in the Port Noarlunga region, which luckily did not seem to get to any houses and cause much damage. When it came to Old Noarlunga, particularly, the impact was quite devastating and the damage was extensive across that area. People were not expecting that extent of flooding or for that extent of damage to hit the town. The day after, on Thursday, together with the Minister for Emergency Services, Peter Malinauskas MLC, the member for Reynell and the minister for community services, I went out to visit Old Noarlunga and meet a number of the people who were impacted by the floods. There were some really sad stories of what had happened.

One family we visited had been planning to move out to a new house in Morphett Vale in, I think, a couple of weeks and they would have missed the floods. Another family we know well was actually away in New South Wales at the time, and their children had to come and save a lot of their property. Another family had just installed a new kitchen and that was severely damaged. These are very typical of people's stories across the Old Noarlunga area that day. The clean-up and fixing up of these houses, gardens and public amenities is going to take a significant period of time.

We were lucky to be joined by the SES Chief Officer, Chris Beattie, on our tour around Old Noarlunga. I really have to commend all the SES officers for their enormously hard work on Wednesday night, which continued all of Thursday and much of Thursday night and was ongoing after that also. They were assisted by a lot of the local Country Fire Service crews. I know that Seaford as well as Morphett Vale were assisting, and they provided huge support for that community.

I had the chance to talk to some of the SES crews who are involved in the swiftwater rescue group. They rescued over a dozen people from their homes in Old Noarlunga that night. A number of elderly people, including at least one family of five people, had to be rescued on the boats to get them out of their homes safely. Full credit to all those people who gave up their time and put themselves on the line to help the people of Old Noarlunga.

We were able to visit the response office which was set up in the Old Noarlunga Institute Hall and providing a great support for people in the community in referring them to the right services, as well as helping people with emergency relief grants. There is up to $700 available for emergency relief for things like food and clothing for people in need. There are other grants available for clean-up, up to $700, that a number of people have taken advantage of. There is also the ability to get emergency accommodation assistance should people need it, and a number of people have taken up that option as well.

These people who day to day work in agencies like Housing SA drop everything when an emergency happens and quickly set up in a relief centre to help the community. They seem to be very well organised and I think the community appreciated having their assistance very quickly. Also, a very iconic structure in Old Noarlunga was damaged, the old wooden bridge, and a number of people were very concerned about that. I think we will have to look at how that is restored in coming days. I should also say the member for Mawson spent a lot of time in Old Noarlunga visiting residents and was there Wednesday night as well with the emergency crew. Full credit to all the emergency crews involved. I think the government is willing to stand with all the residents and work to make sure that they are able to recover from what was a devastating incident.

Ministerial Statement

PINERY BUSHFIRES

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:51): I table a ministerial statement made in the other place.

Bills

CHILD SAFETY (PROHIBITED PERSONS) BILL

Standing Orders Suspension

The DEPUTY SPEAKER: Earlier today, following the introduction and moving of the second reading of the Child Safety (Prohibited Persons) Bill, the house mistakenly ordered that the adjourned debate on the second reading of this bill be taken into consideration on motion. I can advise the house that pursuant to standing order 238:

> …if the second reading of the Bill is moved immediately after its first reading, the debate on the Bill is at once adjourned until a future day.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:52): I move, without notice:

That standing orders be so far suspended as to enable me to move a motion forthwith for the rescission of an order.

The DEPUTY SPEAKER: As there is not an absolute majority present, ring the bells.

An absolute majority of the whole number of members being present:

The DEPUTY SPEAKER: A majority is present. The Attorney has moved that standing orders be suspended. Is that seconded?

An honourable member: Yes.

Motion carried.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:54): I move:

Pursuant to order, that the order making the consideration on motion of the adjourned debate on the second reading of the Child Safety (Prohibited Persons) Bill be rescinded.

Motion carried.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:54): I move, without notice:

That standing orders be so far suspended as to enable the passage of the bill through all stages without delay.

Motion carried.

Second Reading

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:55): I move:

That the debate be adjourned.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:56): I note that the deputy leader wants to have this adjourned off until next week. From my point of view, I would have preferred it to be dealt with today. There have been some changes from the original draft, as the deputy leader points out, although I would have thought that we could sort those things out between the houses.

I am mindful of the fact that there has been quite a lot of rhetoric around the place about how important it is for us to move these things through. I just want to make it very clear that, as far as the government is concerned, this can progress now, but if it is required by the opposition that there be an adjournment of this until next week, then as long as everyone understands that is why it is being adjourned until next week, I am fine with that.

Members interjecting:

The DEPUTY SPEAKER: Enough, everybody, enough. The question before the Chair is that the debate be adjourned.

Motion carried.

PUBLIC SECTOR (DATA SHARING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 August 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:58): I rise to speak on the Public Sector (Data Sharing) Bill 2016, which was introduced by the Attorney-General on 4 August 2016. The bill predated the release and then subsequent disclosure, on 5 and 8 August respectively, of the Nyland royal commission. In short, it frankly has nothing to do with child protection, but in the interests of advancing a piece of legislation so that we are not all going home at 4.01 today, I am happy to bring this piece of legislation, this bill, on for debate so that we might advance its progress and not waste the time of the parliament.

In this instance, this bill, unlike the preceding bill, was known and disclosed to everyone here in the chamber, including the opposition, because it was tabled on 4 August. Again, unlike the preceding bill, during the course of public submissions it has been brought to our attention via the website, at the end of August, that the government had proposed to make some substantial changes to this bill in two major areas: one is providing for the inclusion of an office for data analytics (what is to be part 2A of the bill), and a provision for the minister to be able to enter into data sharing agreements with entities other than state government agencies, and that is to be incorporated in new part 4A. I have not seen those in drafted amendments. I have seen them on the basis of an amended bill that was on the website.

I will assume for the purposes of this contribution that it is the intention of the government to move amendments to expand the provisions and structure of this new regime in those terms. Accordingly, given the efflux of time, and even with the anticipated significant amendment to this bill, the opposition has considered the same and indicates that we will support this bill and, if necessary, make amendments after further consultation in respect of the delegation power of the minister (who is the Attorney-General under this bill) and/or rather extraordinary powers in relation to the exemption in respect of data that is to be within a definition and, also, as to the agencies that are to apply.

For example, if we cut to the chase, I think there is some merit in having other agencies—other departments at the commonwealth or state level, or indeed at a local council level and non-government organisations—if, in fact, for example, we were to be debating this bill as a regime which is in response to the recommendations of the Nyland royal commission. I think there would be some merit in that.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: The Attorney indicates that he considers that this bill is in response to the Nyland royal commission. It seems rather difficult to do that, seeing that it was tabled in the parliament a day prior to the report being handed up and, in any event, purports to be modelled on a data-sharing model that operates in New South Wales, which was not set up, quite clearly, for child protection purposes. It was set up to establish a model of data sharing within the public sector, largely to promote the opportunity of having good policymaking from the release of data that would be helpful in informing agencies and their operations—and, indeed, ministers—for the purposes of having some structured and sensible policymaking, and even the development of programs and the services they provide and the delivery of them.

There is a good case to have data sharing within government departments and the agencies or statutory bodies that they are responsible for so that we do not have holes in the information that is really necessary for good governance and good policymaking. The New South Wales data sharing act of 2015, which became effective last year, is one that identifies the importance of the government not having barriers between its entities and the benefits of being collaborative in making sure they make decisions that are going to be effective for that objective.

That is easy. What is distinguishable, however, between the government's plan to deal with this is really twofold; one is that the New South Wales environment is within the envelope of privacy law, which has statutory protections within it. In South Australia, we do not have any privacy law. We have been begging for it for a long time, and we keep having promises from the Attorney that we are going to see it one day. I hope it is in my time here in the parliament when we actually see something to consider; nevertheless, it is a fairly important addition to have if we are going to protect the interests of South Australians in the disclosure, discourse and sharing of information which may adversely affect them, if it becomes public.

So, it seems all the more important that we ensure that whatever data is shared reaches a standard or threshold of protection which we are entitled to have as citizens. One way of doing that, it seemed to me, was to have legislation, under this regime, which at least had the same standards and the same definitions of protection that we have in our freedom of information law in South Australia, which is another area, of course, in urgent need of reform.

The Hon. J.R. Rau: It is in 11A(7).

Ms CHAPMAN: The Attorney is indicating that that has been added in, so I will have a look at that.

The Hon. J.R. RAU: The effect of that should be that no agency receiving a document through this piece of legislation will wind up being able to release it at all under FOI, and the agency that would have to deal with the FOI request is the home agency from which the document came.

Ms CHAPMAN: I thank the Attorney for that helpful interjection. I do not think I am supposed to respond to interjections, but I thank him for that. In this instance, he is being helpful, so we will have a look at that between the houses to see if that is the intended effect, and that might resolve it. I have to say, at first blush in looking at this bill, the extent to which the Attorney-General had some control via prescription as to what was to be data that was releasable and what was not was far too slack and certainly needed to be tightened, but it may be that the new regime will allow for that, so we will have a look at it.

The other issue is in relation to the delegation power, and I would have to check whether that has also been remedied. This is a bill which essentially gives the Attorney-General, via prescription, quite considerable control over what is released and to whom. Whilst attorneys-general generally act in a responsible manner, some have not in the past, and we have to make laws that work on the lowest common denominator. I do not need to traverse the detail of that other than to say that for all fruitcakes that might fill a role in any position in public office, we have to make sure that there is a standard which cannot be exploited or abused.

I have said 'former attorneys', and I am not suggesting the current one would, but I make that qualification. I do not see any need for what appears to be a significant delegation power, which I would be concerned about. If the Attorney wants to consider that between the houses then so be it. I will have to check through this amended bill to see whether there is any change to that, but it looks like it is still as expansive.

The third area of concern is this question of the involvement of other government agencies. I understand you can enter into agreements with them at the federal level, for example, for the release and exchange of data. I suppose that involves two parties negotiating from a bargaining position of some strength. The provision for agreements with local government (or councils) is something which I think needs a bit more investigation.

Local government exists in South Australia via the instrument of a statute in this parliament. I think it is fair to say there is a maturing of that sector, so much so that in fact some want to have their own constitutional recognition; nevertheless, they do operate relatively autonomously. Whilst they have some processes that do require approval of the Minister for Local Government in South Australia, I think the public expects that they should be able to operate independently.

I would like to have some information about how that is going to work, in the imposition on a local government agency of the requirement to produce data, in the full knowledge that the state government versus the local council entity is hardly in an equal bargaining position. I would certainly want to have a look at that. I would also like to hear what the Local Government Association has to say about this bill. I particularly say that because I met with the Local Government Association a month or so ago, during the winter break, to discuss some other matters. I asked them about this bill, and the chief executive and president shook their heads dismay as to what I was talking about, because they did not know anything about it.

The Hon. J.R. Rau: It's possible that you did not explain it properly.

Ms CHAPMAN: It is possible that I did not explain it, as the Attorney less helpfully interjects, but I think it was pretty clear that there was potentially going to be some involvement from them in

this process. I would have thought that it would have been reasonable for the Attorney to have consulted with this agency. After all, it is the representative body of local government.

The other aspect is to nut out how the trusted principles guidelines are going to operate and how they will be applied. In New Zealand, a system where they have a data-sharing model, there needs to be some application of what they call the 'trusted access principles'. I am not entirely sure what they do in New South Wales, although I think a representative from the New South Wales Data Analytics Centre was in parliament today to provide some insight into how they operate. They were the guests of the member for Mitchell who had provided some advice to my colleagues as to the importance of having some sharing of data, as supported by the Australian Computer Society.

We are always willing on this side of the house to listen to how these things operate, especially if they have already been established in another jurisdiction. If we do adopt a policy or an idea from another state, then we need to have some good explanation as to how we are going to either protect our citizens (for example, in this jurisdiction where there is no privacy law), or how we are going to identify what is in the trusted access principles to facilitate this sharing of data.

It is fairly clear from reports such as the Nyland royal commission report, made public on 8 August, that there are some agencies within this government who not only fail to share data, but they even act in circumstances of refusing to provide data. The most recent and, I think, the most heinous of those examples, is that of Mr Scheepers, an employee of the department, and the royal commissioner recorded that in her view there had been a breach of the Royal Commissions Act in the failure to produce a report in its original form, and which clearly was ultimately produced in a completely different form.

It had removed from it, apparently, material which was at best not favourable in its description of conduct or failings of the department. It had been excised, and an amended report had been presented. If a document, under a subpoena by a court, had been produced to a judge—doctored—there would, quite frankly, be all hell to pay. It is just not acceptable that documents, under a legal obligation to be produced to a tribunal, or a court, or a commission are tampered in this way, in this case, clearly for self-serving purposes.

Again, whilst Ms Nyland did not go on to say that she would be calling for action in respect of what she found to be a breach, I think it is pretty clear for anyone who reads that report to understand how angry she was about what had occurred. She went on to say that she was unable to make certain findings about some of the facts surrounding the case which she was reporting on as a direct result of the tampering of a document, and then all of the attempts that were made to protect those who had been a party to that.

I have heard since that the government has made announcements that the Premier is looking into the conduct of other personnel as a result of statements made by the commissioner, and those matters will play out. But for the purposes of this exercise, it is absolutely clear that this government has a problem, at the very least in that department where there is a concealment of information and, in fact, in relation to totally unacceptable conduct that has followed.

Let me give you another example of where the government has not had forthcoming information that ought to be in the public domain—and I talk about the months in the lead-up to the release of a discussion paper in mid this year promised by the Premier late last year in respect of domestic violence law reform. For seven months since the Premier announced that he would look at the preparation of an issues paper being published, and look at law reform such as Clare's law and the like, we had to wait until the middle of this year to get the issues paper, and in that was certain information.

But in leading up to this report, of which there had been repeated criticism of the government's failure to produce it, there had been requests made to the police commissioner to provide updated information in respect of crime and investigations that they had made and recorded in respect of domestic violence cases. That information, according to the published statement of the Commissioner of Police, in the detail was unable to be released publicly—this is stats; these are statistics; these tell us what a shocking situation we have in South Australia on domestic violence—and he was unable to release that until he had the permission of cabinet.

The Hon. J.R. RAU: Whatever it is that the deputy leader's comments might be relevant to presently, it is not this bill and—

The ACTING SPEAKER (Mr Odenwalder): Is your point of order relevance?

The Hon. J.R. RAU: Yes.

The ACTING SPEAKER (Mr Odenwalder): If the deputy leader could bring herself back to the substance of the bill, that would be handy.

Ms CHAPMAN: The bill, if I can remind members, is the Public Sector (Data Sharing) Bill 2016, and if the data that is within the repository, in this case, of the police department and it cannot be released to the public unless it has the permission of cabinet, then that is exactly what this bill is about. That is one of the reasons I am supporting it, because although one has to rely with some level of trust on the current Attorney managing the practice of this bill in its model of operation it is not acceptable to me—and it ought not to be to other members—that we have members in departments, employees sometimes as high as commissioners in departments, who selectively share information. That is completely unacceptable.

Every day we hear ministers speak here in parliament and publicly about how open and transparent this government is. Simple data, whether it is lining up to get into a hospital or whether it is to deal with environmental prosecutions or whether it is to deal with domestic violence and crime statistics, ought to be made available, not just for decent policy making of all this bunch but also for us as members of the public.

I am sympathetic to the idea of there being a data sharing bill which has a structure to make sure that we get this information to those who analyse it, screen it for protective measures and then utilise it for good public policy—great—but I totally and utterly reject the statement that seemed to be added in, as a sentence on its own, to the second reading by the Attorney-General that this in some way is legislation that is going to help us deal with the breaking down of silos and cooperation which Margaret Nyland demanded in her report. Not only, as I say, did it predate it but it has nothing to do with that.

She made it very clear in recommendation 242 of her report that there should not only be the sharing of information between the agencies that are dealing with child protection—government, non-government, statutory bodies, etc., anyone who was dealing with child protection—but that we need to have a change to the Child Protection Act to do that and to require that there be a cooperation in the delivery of services. The government has not done anything on that. It has failed to produce any legislation to amend the Child Protection Act other than as a consequential amendment to the recent commissioner's bill which we dealt with this morning to remove certain entities out of one regime and into another. They have not done anything to deal with that.

Today, I gave notice that we will do something about it because we are sick of waiting. This is something that very simply could occur but, as we know, in the government's position of announcing 35 recommendations that it has accepted, it has picked out the easy ones, the cheap ones; not the hard ones and the legislative ones which requires the government, if it follows them, to have a child protection act which imposes obligations on the people who work in this area and make sure that they are followed through, so that if we have a situation like a deputy in a department who is flagrantly breaching a royal commission act requirement, he is actually made accountable. I totally reject that this is a bill to remedy that issue. It is nothing to do with it, but if it helps to make good public policy then, yes, bring it on.

We will have a look at some of the detail in these foreshadowed amendments that help to tidy up some of those other issues, but, in the meantime, we need to be absolutely clear that, in a state which has no privacy law, we have sufficient protections in this bill to deal with that aspect. I only hope that we actually have, by the implication of this bill, some understanding in some of these departments that they serve the people of South Australia and not the other way around. This data is important for them to make informed decisions on proposals put out by this government and it ought to be released in a timely manner, in a protected manner and in an effective manner.

Mr WINGARD (Mitchell) (16:26): I rise to speak on the Public Sector (Data Sharing) Bill and to concur with the sentiments of the deputy leader. As she pointed out a little earlier today—and,

Acting Deputy Speaker, you were involved as well—there was a gathering to listen to Dr Ian Oppermann, the CEO of the New South Wales Data Analytics Centre, talk about good public policy and the advantages in data sharing. There was a lot to be gained out of this. It was a very insightful discussion and talk from Dr Oppermann and we really appreciated him sharing his time.

I want to go to lengths to say that I can see a great upside in data sharing and the potential to create very good public policy but, like the deputy leader, I have some grave concerns with the way the Deputy Premier has put together this bill. I have concerns that he has just rushed this through in response to the Nyland royal commission, and I will get to that in a few moments' time. Whilst I said that data sharing is a very important bill and a very important facet that we should be looking at in South Australia, in fact, it is probably a little bit disappointing that we have not looked at it before now. I think some work needs to be done on what the Deputy Premier has put forward with this bill.

I have looked at a number of aspects of the bill, and I know from the second reading speech that the Deputy Premier made that he then went away and made a number of changes, which indicates to me that this is potentially policy on the fly from his perspective. I looked through the second reading speech and I quote from the Deputy Premier:

> In considering whether the data should be shared, the agency seeking to receive the data must provide satisfactory assurance against a set of Trusted Access Principles. These Principles provide a framework for considering that the quality of the data, the people using it, the storage environment, the purpose for which the data is to be used and any outputs are all considered safe and appropriate before the data is shared and that there are adequate controls in place to support this assessment.

To me, that is a little bit vague and a little bit wishy-washy. I think there are some concerns that have been raised and some concerns that I would like clarified as to what mechanisms will be used to ensure the principles actually protect data against misuse, disclosure and theft. The principles set out in the bill really do not show how data will be protected or by what standards. What will be used to determine whether a person's data is safe, for instance, is one of the big questions that is not outlined. Again, what the Deputy Premier has put forward is quite wishy-washy.

We also need to talk about storage in a storage facility for this data to make sure that it is secure. Cyber theft is something as well that has not been addressed here. A cyberthreat is also something that potentially we need to address here. Again, this concerns me, working on the second reading speech and looking through the bill, that the Deputy Premier has just thrown this forward. He has tied it to the Nyland report.

I do not want to be too cynical here, but I hope the fact that he has tied it to the Nyland report is not a cover for a bill he is trying to push through because he has no other contents. There is a lot more in the Nyland report that needs to be done and just trying to push this through under the guise of the Nyland report when it will impact on a lot of other aspects of policy-making in this state raises some significant alarm bells with me. We can go through some other parts of his second reading explanation. One part I would like to look at states:

> The legislation predominantly applies to Public Sector Agencies as defined in the Public Sector Act 2009. It does allow for additional entities to be added or removed from this definition by way of regulation and the intention is to consult further about which agencies may be appropriate to exclude.

Again, the Premier wants to bring in regulation at a later date. He is putting forward a bill and he is already anticipating regulations. He will not specify what those regulations are, but he is anticipating regulations to clarify what he perhaps has not pulled together in putting the bill forward. I think maybe that is something that could have been worked into the bill, and the Deputy Premier should have spent a bit more time working on that.

He talks about the outsourcers who will be able to access this data and he says he will deal with it in regulation. How will any outsourcers be held to account for appropriate data use where the data is analysed as it is outsourced? That is another one of the questions that is really not addressed very clearly in this bill. Another part of this bill refers to trusted access principles. Whilst they are not all outlined in the second reading explanation, the Deputy Premier says:

> The Trusted Access Principles that are embedded in the Bill reflect international best practice and are employed by the Australian Bureau of Statistics for assessing the safe and appropriate sharing of data.

The Australian Bureau of Statistics has had a couple of hiccups in recent times. We would like to see more clarification from the Deputy Premier to outline what best practices the Australian Bureau of Statistics is using and which ones specifically will be adopted in the South Australian Public Sector (Data Sharing) Bill. As I pointed out, as we all know, unfortunately, during the census, the Australian Bureau of Statistics did have a couple of issues.

Perhaps they will be fixing up some things and I want to ensure that those fixes, if you like, are applied in the bill that is being put forward here. Another part of this second reading explanation refers to 'any data or security policies that are applicable to the data recipient' and the State Records Act. We need to know what these are. What data and security policies are we talking about, and where are they applicable? The Deputy Premier's second reading explanation further states:

> Any employee who contravenes or fails to comply with these professional conduct standards may be liable to disciplinary action.

What is this disciplinary action? How is this going to be measured? How will the disciplinary action be put in place? As we look through some of these aspects that have been raised in the second reading explanation by the Deputy Premier, we have some concerns about how they are all actually going to play down. The information about the trusted access principles is not clear. He has referred to the Australian Bureau of Statistics' best practice, and we want some clarification around that. A number of times, he refers to remedying some of these situations with regulation. I again read from the Deputy Premier's second reading explanation:

> Regarding the definition of public sector data, this also allows for the regulations to prescribe exempt data either being all data held by [the] prescribed agency, or data of a prescribed kind. In New South Wales, information that is exempt from disclosure under [the] equivalent of the Freedom of Information Act 1991 (SA) is exempt also from the data sharing authority. In drafting the regulations for this legislation we will consider what might be appropriate to exempt and take outside the scope of what may be authorised for sharing under this Act.

Again, he uses the word 'regulation'. That is something that the minister is going to do a little bit later. The Deputy Premier wants to put in regulations later. He does not want to disclose what they are now. He is just saying, 'Trust me. I will take care of it. I will look after it down the track.' Deputy Premier, we do not trust you on this account. We want to know what these regulations are. We want to know what you are planning to put in place, and I think South Australians want to know what that is as well.

Again, I stress that data sharing is a great concept and has a great upside and great potential for South Australia, but just throwing this forward in the manner you have, full of holes, really raises a lot of questions. In the interest of the Nyland report—and I know that is what you have tied it to—we support this bill and we will move it through, with the right to explore some more of those avenues you have talked about. Just having them hanging in the breeze, with everyone trusting the regulations you plan to bring in without actually outlining what they are, makes it incredibly difficult.

Another point that probably raises a little bit of concern, as I look through the comparisons between the New South Wales bill and the South Australian bill, is that it gives the minister quite a bit of freedom to do as he wishes in this case. Clause 8—Data sharing on direction by Minister, provides that the minister can direct a public sector agency to provide data for the following purposes and lists (a), (b) and (c). The minister can just direct that instruction, yet in New South Wales:

> The Minister may direct a government sector agency in writing to provide specified government sector data that it controls to the DAC within 14 days or such longer period specified in the direction, but only if the Premier has advised the Minister that the data concerned is required to be shared for the purpose of advancing a Government policy.

It is interesting that the minister can take control in South Australia, allowing the Deputy Premier, in this case, to have control carte blanche over what is going on, whereas in New South Wales the minister must be in concert with the Premier to make that same request. Again, there are perhaps slightly tighter stipulations and regulations in New South Wales, and it is interesting that they have gone down that path.

Our deputy leader, the member for Bragg, also spoke about the privacy laws in New South Wales, and they raise a couple of issues. New South Wales has those privacy laws in their legislation, and that is enveloped within data sharing legislation in New South Wales, yet we do not have that in

South Australia. Our deputy leader, the member for Bragg, has raised that as a point, and I do agree with her that it is something we must also consider with this legislation going forward.

I refer to the Nyland royal commission and the fact that the sharing of information can be very beneficial in what we have seen happen in the space of child protection. A lot of this was outlined in the Nyland royal commission. Like no-one else, I want to see children in our state and children arguably under the care of this government be protected. I think it is vitally important and something I am very passionate about. In the interest of that, I am happy to see this progress, but I have grave concerns that the Deputy Premier is pushing through this data sharing bill to show, in effect, that something is being done around the concerns of the Nyland royal commission.

Has he looked at this Public Sector (Data Sharing) Bill in the bigger scheme of what is happening in South Australia? It worries me that a few things are being done on the fly and not really being given the full consideration they should be because he is engulfing this bill under the guise of the Nyland royal commission. This will have impacts, as outlined by Justice Nyland in that report, but it will also have very big impacts on other parts of South Australia. As I stressed at the outset, data sharing has a very big upside and great potential, and there are great opportunities for South Australia by getting this right, but it must be good public policy to ensure that is done.

One of the things I noticed out of the New South Wales report as I skimmed through it was that they have a review built into their legislation. Reading through the Deputy Premier's bill before the house, I do not see a review. I am led to believe that New South Wales will have theirs reviewed within five years. Bearing in mind that this is a very quickly evolving space, again I refer to the presentation from Dr Ian Oppermann today and some of the things we looked at. For crying out loud, we are digitally printing steaks, hamburgers and all sorts to go on the barbecue. The scope of what can happen with data is quite out of this world. The things he had to say were really exciting. I would like to see South Australia at the forefront of the opportunities that are presenting themselves with data sharing.

I fear and worry about a rushed bill that does not look after cybersecurity and makes no mention of cybersecurity. There are questions that need to be asked. The fact that the minister wants to put in a lot of regulation, which he talked about in the second reading speech, leads to some grave concerns, as he has not fully outlined what the regulations will be or put those regulations on the table. If they are so good, why not work them into the legislation and make sure that we know what is going on so that the people of South Australia know how this is going to work? Whilst I will pass this bill in the interest of moving things along, and I understand its importance in relation to the Nyland royal commission, there are still some things that we need to keep a very close eye on.

I note from the minister's second reading speech that there was no office of data analytics, but the amendment he put forward not so long ago has the scope for an office of data analytics. I am really keen to hear more about the cost of this office, how it is going to be set up, where and when it will be set up, and whether the office of data analytics will be the kick start. That is potentially where there is a lot of the opportunity for South Australia going forward.

The scope is very far and wide for what an office of data analytics can achieve. That was added in with a couple of amendments made by the Deputy Premier. It would be absolutely fantastic to have a bit more information on how it is going to work in relation to business opportunities and growth opportunities in South Australia and also how it is going to work in relation to the Nyland royal commission findings because that is something that all South Australians want to know.

Again, I stress the point that data sharing has a lot of upsides, and people can be very excited about what it has to offer. What the Deputy Premier has put forward does not answer enough questions but leaves a lot of questions that South Australians will want to ask to ensure that data is safe and secure and that it can still be used effectively to give great gains and benefits to all South Australians. We know that cybersecurity is a threat. New South Wales and Victoria have also advanced very heavily in the cybersecurity space. South Australia is perhaps lagging a little bit behind, so I am very keen to push that forward.

Federally, the cybersecurity space is moving along and a lot is happening. I would like to see South Australia jump into that space, as cybersecurity safety centres have a great upside. Speaking to some federal colleagues, I am really keen to push that in South Australia. When we speak to

people in the streets, they raise the whole issue of data analytics and the way data can be used. I mentioned before things like printing a steak, which sounds quite unbelievable but is eminently doable.

We see and hear about that side of data analytics and think it is a little bit sci-fi, but we all know that we can go to the bank to use our Visa card, we can shop online or we can use payWave. It is becoming very easy, and we know that cybersecurity is a big part of that. To have a bill that talks about public sector data sharing but does not mention cybersecurity is of great concern. I think the minister still has some work to do to make sure that this data sharing bill appeases everyone and satisfies the whole of South Australia that it will take us forward in the right direction.

We understand the Nyland report and its implications, but this bill has other implications for all South Australians. We must make sure that the right thing is done, that this is not just being rushed through as a knee-jerk reaction to satisfy the findings of the Nyland report and does not consider all aspects of cybersecurity and data sharing within South Australia. I recommend this bill to the house, but I have some concerns I will be taking up with the minister.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:44): I thank members for their contribution. There are just a couple of things I wanted to say so that people are very clear about where this has come from, where we see it going and what the basic scheme is intended to be.

I have discovered over time, as have my ministerial colleague the Minister for Education and others, that there is a reluctance by government agencies to share information. It is sometimes described as a silo mentality and sometimes it has got something to do with a legal impediment to sharing but, more often than not, it is a cultural, policy or administrative impediment. These things, in the hands of particularly unhelpful bureaucrats, result in the information available to government being extremely difficult to flow from one agency to another. I think most members of the public would find that slightly bizarre: they assume that, if the government holds information, then the government holds information, but that is not actually the way, historically, it has worked. The government agency holds information.

When we started down the path of the royal commission with Margaret Nyland, minister Close and I would frequently meet with the royal commissioner and just have a general chat about how she was going and talk about issues that we thought were important, and it was obvious to both of us, some time ago, that data sharing was going to be an issue. For example, most of the kids who wind up being the subject of intervention by the child protection agencies share certain characteristics, unfortunately.

Some of them are geographical commonalities. Some of them are commonalities relating to the type of housing they occupy. In particular, many of them are living in housing provided by Housing SA. There are certain educational markers for some of these people—for example, poor attendance at school, poor achievement in class and poor achievement generally in literacy, numeracy and general educational standing. I am only mentioning a couple of things. There is a whole cluster of other reasonably common elements that you find in this child protection area.

That led us to ask the question and to consider a project which we have had going for a while, which is the MAPS project, which is actually focused on domestic violence, not on child protection. MAPS is an example of multi-agency collaboration and sharing of information designed to assess risk profiles for DV—which is, incidentally, sadly, another marker for child protection issues. In that context, this legislation was not pulled out of somebody's hat in five minutes. Work was done on this and a lot of thought went into it.

Initially, not having read what commissioner Nyland had to say, we worked on the basis that what we would be looking to do is basically dissolve silos within government so that information, for example, held by Housing could be made available to Child Protection. A very obvious example is that Housing sends people out to check on Housing properties. They might go quite regularly. They might make observations about whether a child is there or not there, and a whole range of other things. How easy is it for that information to be shared with Families? The answer is: not very easy.

Despite what the deputy leader had to say, child protection was the angle that we came at this from in the beginning—as well as domestic violence but, particularly, child protection—because we had already worked out that a whole bunch of government agencies were holding information quite separately about the same kids. We looked around at what was going on—and we did look at New South Wales, and New South Wales has a far more complex apparatus than this.

I formed the view, and the government has formed the view, that, given the size of South Australia and the realistic chance of our utilising some of these things in the broad scope, that to construct that whole, quite elaborate mechanism New South Wales has, would not only be expensive but, also, for the time being overkill. If, in due course, something like that was required, well and good: it is for a future parliament to look at introducing that sort of thing. But, for the time being, this was intended to be a bill sufficient to enable us to do what we needed to do with a minimum of fuss and a minimum of cost and a minimum of red tape.

So, that is why, contrary again to what the deputy leader said, this has a lot to do with child protection, and it was evolving in the context of the anticipated release of Commissioner Nyland's report. In recommendation 242(a) of Commissioner Nyland's report, however, she talks about using the Children's Protection Act but, leaving aside what coathanger you put it on, she asks for the sharing of information between prescribed government and non-government agencies, so that struck us, again, in child protection.

If you have an NGO that is delivering some services to a family, given appropriate safeguards and confidentiality arrangements which are provided for in the data sharing agreements in part 4, it might be important for the delivery of service to that family that some information is given to that provider, and it might also be important for the government that that provider shares information with us. To take the thing a bit further, a few weeks back, I had a conversation with federal minister Porter. He is a very lateral-thinking individual. I had the privilege of working with him some years ago when he was attorney-general and deputy premier of Western Australia. He is now Minister for Social Services.

Ms Chapman: He is a lot smarter than you.

The Hon. J.R. RAU: He is a very clever fellow. I had a chat with him a while ago, and we were talking about, in rudimentary terms, the thing that was in the paper today about him giving a report to the National Press Club about the importance of data analytics in the commonwealth. He and I had a conversation about how useful it would be for some things to be able to be shared across the commonwealth-state divide to enable us to achieve better outcomes.

The example we discussed, which I am delighted to see was in the paper today, was we—the Minister for Education in particular—have access to records about whether students are attending school. We have real-time information about whether kids are at school. The commonwealth does not have access to that information unless we give it to them. The commonwealth controls the social security network.

It might interest members to know that, according to the minister, that 'no jab, no pay' campaign they had recently, which was designed to improve the levels of immunisation, has been dramatically successful. The minister sees potential opportunities for the state to cooperate with the commonwealth with a view to getting other positive social outcomes using collective effort, and I strongly endorse that. In fact, I said to the minister that I would be very keen to offer South Australia's partnership to work with the commonwealth on some of these very issues.

Again, that is why this is in here. I want the ability to say to the minister, 'South Australia wants to get involved in these things. We want to be in now.' I want us to be part of pilot programs which enable data sharing between the commonwealth and the state. I think it is a great opportunity for us here, and the quicker we get this thing through, the quicker I can write a letter to Mr Porter to say, 'You know that phone call we had a few weeks ago? Guess what? We are ready, willing and able to work with you.'

Mr Wingard: What about cybersecurity?

The Hon. J.R. RAU: I will come to that. So, that is why this thing has changed in the way it has. When it started off, we were just thinking about within the state. According to

Commissioner Nyland, we need to think about other agencies and, after having a conversation with the federal minister, I am absolutely convinced we have to include the commonwealth as well. It is in our interest, it is in the commonwealth's interest and it might mean we get to be first movers in really innovative policy work, and I want us to be ready to take advantage of that.

I explained why NGOs might need to be involved in this. The deputy leader made some comments about the LGA, and there are a couple of points on that. First of all, they clearly knew about this bill and had read it because it was up on the web, and they were told anyway by the deputy leader, she says, what the bill was all about. The point I would make is: there is no need for them to be worried about this thing, because this bill does not actually require them to do anything unless they strike an agreement with the minister.

This does not give me the power to tell local government what to do any more than it gives me the power to tell the commonwealth what to do. It just simply says that local government can be a partner. The way I would look at this—and this partly answers the cybersecurity proposition—is that each one of these agreements, at least initially, will be in the nature of a pilot, and we will actually have to craft individual agreements.

I take the honourable member to part 4A, proposed new section 11A. We will have to craft individual agreements with whomever the partner might be—I am talking external to government. Part 4A is only when we deal with people outside of the state government. When we are dealing within the state government, we do not have to worry about most of part 4A except for 11A(7), which says that if agency A in the state hands a document to agency B, and if somebody wants to FOI agency B, agency B is not allowed to release that document. That document can only be obtained from its home, which is agency A.

That is intended to preserve the security of data held within the state so that nothing is subjected to a lower standard of security than is provided for right now under the Freedom of Information Act. We ban the information being passed out at all, other than from its home agency. As for the sharing outside the state government, that is the balance of part 4A. If we are going to enter into an agreement with the commonwealth, each agreement would have to be nutted out on the basis of what the subject matter was, what the data was that we were wanting to share, and what the term of the sharing might be—so, all of the work.

The reason there is not so much heavy detail in here is that the real work will be in entering into these agreements with other entities. The agreements are actually going to be the thing that does all the work. This is just enabling or authorising those agreements to be entered into on an ad hoc basis. I have to emphasise: I envisage at the moment that this is going to be occurring, initially anyway, on a pilot basis.

Ms Chapman: With which department?

The Hon. J.R. RAU: Whichever one is relevant. The example I just gave was if minister Porter is interested in cooperating with the state to improve truancy outcomes, an agreement would then have to be struck between the Department of Social Services and minister Close's department.

Mr Wingard: Who is going to check to make sure that the security is in place in that agreement? Is it you?

The Hon. J.R. RAU: Not me personally, no; it would be part of our legal team.

Mr Wingard: And how are they qualified to do that? Do they have cybersecurity experts?

The DEPUTY SPEAKER: This is actually highly unusual, isn't it? Are we going to do questions in committee, or are we going to—

The Hon. J.R. RAU: We can do it in committee. The intention is that yes, we would address all those issues, but I am just trying to help the member for Mitchell understand. The reason all of this is not in here is that we cannot anticipate every single possible agreement we might have with every single possible partner in advance. What we have done is provide a very flexible opportunity for partnership to occur, and then it will be an ad hoc, bespoke response to each one of those particular requirements.

I am happy to put on the record that, as far as I am concerned, the security of that data is an absolutely critical element of that. That would mean that we would want to be very confident that the material we share, say, with the commonwealth, is not going to be moved on to third parties or put in an insecure environment. I completely get that. That would be an absolutely essential element, in my view, of any such agreement.

I think that probably covers off all the matters that were raised by the members. I do thank both the deputy leader—although she did wander off a bit at one point, but she came to the point—and the member for Mitchell for their comments. Hopefully I have answered many of the questions, but I am obviously happy to take further questions in committee.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. J.R. RAU: I move:

Amendment No 1 [DepPrem–1]—

Page 3, line 2 [clause 3, definition of *data provider*]—Delete 'this Act' and substitute 'Part 2A or Part 3'

Amendment No 2 [DepPrem–1]—

Page 3, line 4 [clause 3, definition of *data recipient*]—Delete 'this Act' and substitute 'Part 2A or Part 3'

Amendment No 3 [DepPrem–1]—

Page 3, line 14 [clause 3, definition of *individual*]—Delete:

', but does not include a deceased person' and substitute:

(including a deceased person)

Amendment No 4 [DepPrem–1]—

Page 3, after line 14—After the definition of *individual* insert '*ODA*—see section 5A;'

Amendment No 5 [DepPrem–1]—

Page 3, after line 28—After subclause (2) insert:

(3) If part of an existing public sector agency is designated as ODA under section 5A, ODA is taken to be a public sector agency in its own right for the purposes of this Act.

Amendments carried; clause as amended passed.

Clause 4.

The Hon. J.R. RAU: I move:

Amendment No 6 [DepPrem–1]—

Page 4, after line 12—After paragraph (d) insert:

and

(e) to provide for the Minister to enter into data sharing agreements with certain entities.

Amendment carried; clause as amended passed.

Clause 5 passed.

New part 2A.

The Hon. J.R. RAU: I move:

Amendment No 7 [DepPrem–1]—

Page 5, after line 3—Insert:

Part 2A—Office for Data Analytics

5A—Office for Data Analytics

(1) The Minister may, by notice in the Gazette, designate a public sector agency, or part of a public sector agency, as the Office for Data Analytics (*ODA*).

(2) The functions of ODA are—

(a) to undertake data analytics work on public sector data received from across the whole of Government; and

(b) to make the results of that data analytics work available to public sector agencies, to the private sector and to the general public as ODA sees fit; and

(c) to perform any other functions conferred on ODA by the Minister.

(3) ODA is to undertake its functions in a manner that prioritises the provision of relevant and up to date information to public sector agencies about their service delivery, operations and performance.

(4) ODA may, with the approval of the Minister, direct a public sector agency to provide public sector data to ODA for the purposes of carrying out its functions.

(5) The Minister must have regard to the trusted access principles before granting an approval under subsection (4).

(6) The Minister may impose specified requirements or limitations on the power of ODA to make a direction under subsection (4).

(7) ODA must comply with all relevant data sharing safeguards in respect of public sector data provided to it under this section.

Ms CHAPMAN: I have some questions.

The CHAIR: You have some questions on the new part 2A?

Ms CHAPMAN: Yes. This is for the establishment of an office for data analytics which, as the Attorney knows, not being in the original bill, was a matter of concern to us. My question is: in which department or public sector agency is it proposed that this office will reside?

The Hon. J.R. RAU: At the moment, we have not decided exactly where it will reside, nor have we decided what budget there would be for this because without the enabling structure, which is section 5A, none of it is possible. Because it has a sort of central agency feel about it, it could be in the Office for the Public Sector, it could be in DPC; it could be pretty well anywhere. Obviously, there are some places where it is more rational to put it, but we have not got that far.

I can tell you that there is a small version of this already functioning within the state, which is at ReturnToWorkSA, where they have a very sophisticated data analytics unit which they use as a risk management tool. They have been very successful at being proactive with risk management concerning workplace injury.

Ms Chapman: Predicting.

The Hon. J.R. RAU: Predicting, yes exactly. The idea is that this should give us enough structure to be able to establish an agency. It is important—and I pick up the concerns of the member for Mitchell—if you look at 5A(7) we are talking there about data sharing safeguards, and that would obviously include cybersecurity and other such matters.

This is an enabling provision and, on the assumption that this passes, again this would be the sort of thing that we probably would start off with a pilot to test the concept. Where exactly in government that would sit and what its budget would be is something we will have to work out, but it might be that child protection is an initial piece of work that this could be tasked to look at. We will just have to see. At the moment, there are many possibilities for how this will be done but without this it cannot be done. Rather than put the horse before—sorry, the horse does go before the cart, doesn't it? Yes.

The CHAIR: Normally.

The Hon. J.R. RAU: Normally, and so that is what I am trying to do: I am trying to put the horse in front of the cart, not the other way around.

Ms CHAPMAN: How does this provision, to have a data sharing bill and this office to be able to analyse the data and so on, comply with the first section of the recommendation of the Nyland requirement in 242 which actually does not talk about data analysis: it talks about a mandating of the obligation to share information between agencies? What is proposed here is a bill that has a voluntary disclosure of material and a capacity for you, as Attorney, to direct the provision of certain information and, indeed, by adding this clause, to have a centre within some agency to analyse that data and keep it secure, etc., and make the data available and so on. How on earth does all that comply with the first section of the provision of the Nyland report?

The Hon. J.R. RAU: It is very simple. The 242(a) is talking about sharing between government and non-government agencies. The office of data analytics is talking about analysing data within government. If you read the whole of the Nyland recommendations—and I cannot summon to my memory at the moment exactly which ones are pertinent to this proposition, so I will paraphrase them—a strong theme coming out of the Nyland recommendations is that there should be a research-based element within government—

Ms Chapman interjecting:

The Hon. J.R. RAU: No, but 242 is not about this; 242 is about the government sharing with somebody outside. This is about the government crunching its data, whatever data it has, to come up with statistically based policy positions.

Ms Chapman: So now you are basically doing this on child protection for research.

The Hon. J.R. RAU: The ODA is part of the research proposition coming out of Nyland. You have seen what will look like before Margaret Nyland's report. You have seen how it is different. I am explaining: the commonwealth bit came in because I have been talking to Christian Porter. The non-government and local government stuff comes out of 242(a). Data analytics, amongst other things, comes out of the very successful work that has been going on at ReturnToWork SA and the Nyland report recommendations which strongly emphasise the notion of there being a research-based evaluation orientated policy element established under the Nyland royal commission recommendations. If one of my colleagues here can tell me the number I can go to it. It is No. 50, I am told, so let's spin over to No. 50 and see how good my advice is.

Ms Chapman interjecting:

The Hon. J.R. RAU: It is pretty impressive, is it not, to be able to do that on my feet, if that is the case? It is not the case: I have been thinking about this for a long time. In relation to early intervention research, recommendation 50 states:

a prepare a Prevention and Early Intervention Strategy that is updated at least every five years:

I to identify service models…

III to form the basis of negotiations with the federal and local governments…

b establish research partnerships and fund evaluation of innovative service models to determine their effectiveness and value for money; and

c focus on the prevention and early intervention investment priorities identified in this report.

That is talking about analysing data and this is facilitating the provision of an entity within the state government that is able to do what recommendation 50 asks for.

Ms CHAPMAN: You say that no budget has been allocated to do this important role in the establishment of the office for data analytics. My next question is: is it proposed therefore that we are not going to get any of this, even as a pilot, until the budget next year?

The Hon. J.R. RAU: My hope is that, if we can get this bill though the parliament fairly quickly, I am going to be knocking on minister Porter's door in Canberra and saying to him, 'I am very interested in South Australia partnering with the commonwealth to utilise all of these types of opportunities.' That would be in a pilot sort of context. My expectation is that, if we got to that point quickly, the commonwealth frequently is prepared to provide some financial assistance in relation to cooperation in a pilot sense.

I heard on the radio this morning that the minister said there was something like $92 million being made available presently for support for the current program the minister is undertaking in relation to long-term carers and the fact that these people apparently leave the workforce and never get back into it. It was something that was on the radio this morning.

The Hon. Z.L. Bettison: Young carers.

The Hon. J.R. RAU: Young carers. There are shocking figures about people who have been on a young carers allowance who average the next 40 years out of employment.

Ms Chapman interjecting:

The Hon. J.R. RAU: I am trying to answer your question.

Ms Chapman interjecting:

Mr WINGARD: In 501, it says that you 'may' put this in place. Is there a guarantee that you are going to put the office of data analytics in place or is that just a cover-off, so you may not put it in place?

The Hon. J.R. RAU: It is my intention, if we get this through, that I will be going to cabinet and saying that we should do this.

Ms Chapman: Only if Christian Porter pays for it.

The Hon. J.R. RAU: No, I think we should be doing it anyway. I am just saying that minister Porter is on exactly the same wavelength as me about this. He sees the power of statistics and the power of numbers to be able to drive evaluation of decent policy. Incidentally, if members are interested in this, in New Zealand they are actually very good at this too, but in New Zealand they do not have the complexity of a federal system, so all the data is much easier to assemble.

It is my intention, if this gets up that, yes, I will be going to my colleagues in cabinet and discussing with them how we can actually start to move this forward. I do not know what cabinet will ultimately decide, but my own view is that you would start off with a sufficiently robust model to be able to use it as a trial because you do not want to spend a large amount of effort and dollars on setting up something until you have actually given it a bit of a test drive.

I would be wanting to get started on this straightaway and we do have, as I said before—and I would like to say this to all members who are interested—one functioning example of this within the state of South Australia's public sector already, which is in ReturnToWorkSA, and it is a very impressive outfit they have there. If anyone wants to have a briefing from them—

Mr Wingard interjecting:

The Hon. J.R. RAU: It is all within one agency. They are just using their own data. They get reports of work injuries and whatever and they are massaging those in their data analytic section. This is talking about dragging data from all over the place.

Mr WINGARD: To follow up on that, I know that you have said that you are keen to start the pilot in this smaller sphere, yet we look at New South Wales and we look at New Zealand as well and they have done it in a bigger space with bigger advantages. Are you concerned that you may be looking to be a little bit too insular and you should be looking bigger?

The Hon. J.R. RAU: Ultimately, that is going to be a matter for cabinet. My own view is that I think we need to prove the concept on a relatively containable scale. I think we can do that. As I said, ReturnToWorkSA has already successfully got into this space but, as I mentioned, they are only working with their own data. This is the next step, really, which is multiple agencies drawing data from one another. Can I just explain how I think it might be necessary to test it first up? One of the issues across government is the fact that each agency, for historical reasons, has different data management systems. They are of different ages, different capabilities, and different complexities and they speak different languages in many cases.

The practical issues relating to how you make this happen and the IT element should not be underestimated. Even within the courts, you have the police, the DPP, the courts themselves and Corrections. They all have different operating platforms and different data management systems. I

think we are going to have to walk before we can run with this, but I have no doubt that this is the future. In South Australia, if we pass this legislation, we are going to be in a position where we are capable of having for the first time strongly data-driven capacity to make good policy and to be able to evaluate in real-time whether that policy is working. This is a pretty exciting opportunity.

Imagine this: in the past, we have had to wait for annual reports and all these sorts of things. We are always looking in the rear-vision mirror at things that have been and trying to work out, based on that, what will be. The advantage of this is that this potentially gives tools that will actually predict things. It also means that we might get real-time data feedback that says, 'That program you're doing over there and spending money on isn't working. Cut it out.' How valuable is that sort of stuff, rather than waiting for years for anecdotal evidence to tumble out? This is a factual basis for policy and administration of government.

Mr WINGARD: I very much understand what you are saying and I stressed before that I see and understand that upside. You talk about bringing the courts, police and justice together, but you have not outlined the security measures. The principle is fantastic. The delivery is the question that we are asking about here and you have not covered off on that. You talk about them all having differing systems and differing operators but this information is now being shared. When information is going from the courts to justice to families and police, if that is what is involved, how do you guarantee the cyber safety of the transfer of this information?

The Hon. J.R. RAU: I can say this: I am absolutely confident, having dealt with all those agencies, that none of them will want their data being placed in an environment that is less secure than theirs. That is the first point. In the discussion with the entities, I would imagine the security issue would come right to the top very quickly. We would not be getting agency buy-in and cooperation without that. The second thing is, if we are dealing with the police, for example, I can promise you that there is no way on earth that the police, on being asked to share data, will not immediately default to the question you have just asked me. That will be very central in their minds.

Undoubtedly, it will be the case that the sorts of agreements we strike with agencies may differentiate in levels of data. If we take the police, for example, if they have data about people who they have issued warrants for or people they have on police bail, that is one level of stuff. They may also have stuff that we will call criminal intelligence. I can tell you that they will have a very different view about where that should be going and, quite frankly, I do not think that is what we are talking about here. What we are talking about here is measurable stuff, measurable things.

The data may or may not be actually required or sought in a personal sense. It might be that it is digested material. Instead of being just about the member for Mitchell, it might be about a particular postcode. Questions about personal data safety can be dealt with not just by cybersecurity measures but also by the nature of the questions that are being asked. It may well be that, for many purposes, a sample survey of a postcode or CCD might be the only search reference that we need to know.

Some more work will have to be done on this, but this facilitates the establishment of this thing. I cannot emphasise enough that I am really very enthusiastic about this. I think it is one of the most potentially innovative and liberating pieces of apparatus that the state can have to actually tailor its policies and deliver its policies, and more particularly when things are not working, to root them out and spend money on things that are working.

Mr WINGARD: I am equally as excited about the prospects, but when you compare this bill with the New South Wales bill and even the Data Analytics Centre—I understand that New South Wales have invested more funds into their Data Analytics Centre—in turning their bill into an act, they have invested a whole lot more. Are you concerned that by coming up short you are half pregnant?

The Hon. J.R. RAU: No. I emphasise again that this is an enabler. The next step would be I then go to cabinet with a scoped proposition—

Mr WINGARD: Why not go there first and then come back?

The Hon. J.R. RAU: That is putting the cart before the horse. If I go to cabinet and say, 'Hypothetically, if I had a bill that enabled me to do this, what would you say?' they would say, 'Come

back when you have something to talk to us about.' You have to go in with concrete proposals. This is the platform that enables me to go and ask for support for the establishment of this sort of thing. If I can get it established as a full-blown unit, terrific. I am being perfectly frank with you.

I am just saying that the complexities of this are such that they should not be underestimated, and it might be that we have to start small before we can get big, that is all I am saying. It does not mean I am not interested in it being a very large, inclusive apparatus; I am. But it is like anything that you are doing for the first time. It is logical, I think, that you do a bit of an experiment and a proof of concept or something.

Mr WINGARD: Why not use the New South Wales model and marry it over? If they have already looked at it and done it—

The Hon. J.R. RAU: Just because they have done it, does not mean it is right. We have to have something which works for us and fits our environment. New South Wales does a number of things that we do not do. Sometimes they have a good reason and sometimes they haven't. New South Wales, for instance in the justice system, has a court of appeal; we do not. But they also have about 50 judges—

Ms Chapman interjecting:

The Hon. J.R. RAU: I still think that one day, that is going to happen here. I am just making the point: when you have 50 Supreme Court judges, or 60 or whatever they have, a court of appeal makes sense. We do not have that many, so it does not make sense at the present time. You have to think about the scale of these things. I am confident this is going to be liberating for good policy formulation and oversight of government programs.

Mr WINGARD: Are you concerned you have too many holes in it?

The Hon. J.R. RAU: No, I am not. We have left it deliberately flexible.

Mr WINGARD: Holey or flexible?

The Hon. J.R. RAU: Flexible.

New part inserted.

Clause 6.

Ms CHAPMAN: I have a question on the trusted access principles. This is to be prescribed by somebody. My question is: do we have a draft of what the trusted access principles are?

The Hon. J.R. RAU: No, that is something that we will complete. There is a clarification. The basic trusted access principles appear in clause 6(3).

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, that is them, but you will see that there is also in subsection (7) the capability of additional requirements or principles. What we have done there is said that these things, we think, are safe principles which are self-evident and are appropriate to have hardwired through the bill, but it is entirely possible that experience will show that there are other things that we need to consider as well. For that reason, we have subsection (7) there, and we do not have anything in mind presently for subsection (7).

Ms CHAPMAN: Is this any different from the regime that operates in New South Wales?

The Hon. J.R. RAU: I cannot vouch for the fact that it is exactly the same wording, but, yes, they do operate with the idea of trusted access principles as a core feature.

Mr WINGARD: Can you explain 'safe'? You have safe projects, safe data, safe settings. What is 'safe'?

The Hon. J.R. RAU: If you read it, 'safe' is a heading.

An honourable member interjecting:

The Hon. J.R. RAU: It does not mean anything, to be honest. It just means projects and people. That is a heading, that is a tag, but if you go beneath that it actually explains what that particular thing is about. The first one is:

The purpose for which data is proposed to be shared and used must be assessed as appropriate having regard to—

whether the data is necessary for the appropriate use, etc., etc. If it passes all of those things, it is deemed to be a safe project. If you like, the definition of 'safe' in each one of these is set out below.

Mr WINGARD: Whereas in New South Wales law they have a privacy act that is enveloped within their data sharing act. They have an act ensuring privacy; you have the word 'safe'. Are you concerned that you have put the cart before the horse? Should there have been a privacy act to cover it?

The Hon. J.R. RAU: I think we can be too slavish in copying literally what other states do. We unashamedly acknowledge New South Wales' leadership in this area conceptually. We have safety in here in the sense that, as I explained before in 11A(7), we have a provision that says that the Freedom of Information Act presently does protect certain information. What you can be certain of is that under this there will be no reduction in the level of protection of information over and above what is there now.

Clause passed.

Clause 7 passed.

Clause 8.

The Hon. J.R. RAU: I move:

Amendment No 8 [DepPrem—1]—

Page 7, line 22 [clause 8(3)]—Delete 'apply' and substitute 'have regard to.'

Amendment carried.

The CHAIR: You have a question on amended clause 8, deputy leader?

Ms CHAPMAN: Yes, thank you. This is the direction power where the minister may direct an agency to provide information. Is there any other circumstance or any other initiating practice or process that can result in a department or agency producing any data, or is this the only section? If and when you want to issue a direction, they have to do it?

The Hon. J.R. RAU: Yes.

Ms CHAPMAN: That is it? Everything else is voluntary?

The Hon. J.R. RAU: The concept behind this is basically that the legislation says, 'Listen, all you lot, you should be sharing stuff with each other. Now, go away and play nicely.' That is the starting point. If that does not happen, it gets escalated to the point where we have a collection—a conclave, if that is the right word—of chief executives who meet and try to sort things out. If that still fails to sort things out, it escalates to the minister who says, 'Either do it or don't do it.'

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, at the present time, it would be me. That might be as Attorney-General or Minister for the Public Sector. I think it might be the Minister for the Public Sector.

There is a tiered system. The first part of the system is, 'Look, everybody, this is now how we expect you to behave. Go away and behave properly.' If we start running into problems, then the first escalation is to this group of chief executives who are supposed to sit around and talk it out and, hopefully, resolve the issue but, if parties still remain unhappy about that, the last point is it gets flicked up to the minister of the day, who then makes a call yes or no and that is the end of the dispute.

Ms CHAPMAN: Particularly if we are dealing with departments or agencies that relate to child protection, as the minister covering child protection is also the minister for public employment,

would it be your intention to ensure that whichever minister has control of this is not the minister for child protection?

The Hon. J.R. RAU: Ultimately, that would be a matter for the Premier, but I do recognise this. If we are using this in a child protection context and I continue to be a minister who has some responsibility in that respect, there would be a conflict.

Ms Chapman interjecting:

The Hon. J.R. RAU: Just let me finish. It may be that there is at least an apparent conflict—if not a real one, at least an apparent one—if the minister for child protection happens to also be giving directions about child protection-related matters in a capacity of wearing another hat. I think the simple answer to that is that you would delegate that particular matter to another minister on the basis that you were trying to avoid the conflict. I know that, as planning minister, from time to time there have been examples of where I have delegated a particular planning determination to another minister because the matter that was before us actually was a matter relating to Renewal SA, which at that point in time reported to me.

Clause as amended passed.

Clause 9.

The Hon. J.R. RAU: I move:

Amendment No 9 [DepPrem-1]

Page 7, lines 31 and 32 [clause 9(1)]—

Delete 'pursuant to an authorisation under section 7 or section 8' and substitute 'under Part 2A or Part 3'

Amendment carried.

Ms CHAPMAN: We are currently looking at an area of potential sale by the government of the data in the Lands Titles Office and certain services that are provided by that agency. There has been an indication, I think in a budget bill that has just gone through our house today, of some of the necessary reforms to accommodate the potential sale. One of those things is to ensure that there is some confidentiality of data that might leave that agency, especially if it is to be provided to an entity which buys that data stream.

Is this clause going to override or interfere with that in some way, or do you say that it facilitates it, that is, that stream of data which leaves a government agency and goes to a private entity which purchases that information? When it has occurred in other situations, like in the Motor Accident Commission, for example, which has legislation surrounding it to facilitate the sale of that right to have insurance, the confidentiality of that data is protected in a statute. I am just trying to make sure that this, firstly, does not interfere with the commercial sale because, clearly, that is what the government intends to do, but also that the data, when it does leave, is going to be covered by this. If it is not, are we still going to need legislation to protect that?

The Hon. J.R. RAU: I think that is a difficult question for me to answer because I am not entirely familiar with the detail of whatever the ultimate proposal might be in respect of that other proposed project. My understanding is that the interaction with other acts, as far as that is concerned, is dealt with in clause 5.

Ms CHAPMAN: But this is clause 9(1).

The Hon. J.R. RAU: Yes, but in talking about—

Ms CHAPMAN: It states it 'must ensure that the confidential or commercially sensitive information is dealt with in a way that complies with any contractual or equitable obligations', which it will have if you sign the contract, is my point.

The Hon. J.R. RAU: I can look at that between the houses.

Mr WINGARD: On the confidentiality and commercial-in-confidence, again, I will ask a question about what we are doing to keep this secure, as outlined in this clause. Are you confident

that the current systems can provide that cybersecurity? Do you think the government will be investing more money in the short, immediate and long term, and how is that going to play out?

The Hon. J.R. RAU: If we are asking questions about investing cash, all I can say is that is obviously a matter for budget processes, and I am not able to answer that in the absence of there being any determination of any matter, and understandably so because this bill has not even passed the parliament. Once it has, I intend to seek to make it operational, but that will be a matter for budget.

Mr WINGARD: More specifically, can you provide the cybersecurity with the facilities you have at hand at the minute?

The Hon. J.R. RAU: We can certainly deliver whatever level of security we presently have, and we are not proposing to reduce the level of security by reason of anything in this bill.

Mr WINGARD: Once we start sharing this information, are you foreseeing a need for higher security?

The Hon. J.R. RAU: The answer to that really depends on with whom we are sharing it. If we are sharing it within government—

Mr WINGARD: Systems are different.

The Hon. J.R. RAU: Yes, and this is a perennial problem in government. Systems are different, and each one of those agencies will have different views about how much sensitivity attaches to different pools of data. There is nothing in here that is intended to weaken anything that is there presently.

When we are sharing within government, all I can say to you is we are not proposing that anybody's information be given less protection than it presently has either from an FOI perspective or from a perspective of the place where the data is held being vulnerable to attack from China or somewhere. When we are sharing outside of the state government, we would then insert all of those criteria into those agreement provisions that we would have to strike with whoever the other external partner might be.

Clause as amended passed.

Clause 10.

The Hon. J.R. RAU: I move:

Amendment No 10 [DepPrem–1]—

Page 8, line 3 [clause 10(1)]—Delete 'pursuant to an authority under section 7 or section 8' and substitute:

under Part 2A or Part 3

Amendment carried; clause as amended passed.

Clause 11.

The Hon. J.R. RAU: I move:

Amendment No 11 [DepPrem–1]—

Page 8, line 16 [clause 11]—Delete 'pursuant to an authority under section 7 or section 8' and substitute:

under Part 2A or Part 3

Mr WINGARD: I just want to get clarification on the minister's ability to enter into these data-sharing agreements. I have not asked the question, but I raised it in my speech, as to how the minister will enter into these agreements. Surely, he needs someone who knows something about the 'interweb', as he likes to call it, to make these agreements. How is he going to structure it? Is he going to just go with the guys with the federal minister or will there be qualified people to help make these decisions?

The Hon. J.R. RAU: I want to reassure the members for Bragg and Mitchell that my reasonably constrained comprehension of the interweb means that I will not be the technical adviser in any of these commercial arrangements.

The Hon. T.R. Kenyon: Nor will you be consulting on it after you leave parliament.

The Hon. J.R. RAU: Nor will I will be consulting on it any time after this phase of my career ends. Obviously, the government would be seeking out competent people, experts, who know what they are doing. I think it is fair to say that if we were dealing with the commonwealth, they would be a very well funded and sophisticated partner to work with, and I would not expect there to be lots of problems working with them.

If we started working with other partners like local government or an NGO, I think we would have to be very careful about these things. That might just mean that the pipeline of data exchange with them is relatively small and very particular. But, yes, I can assure you that technical advice regarding cybersecurity will not be coming from me.

Ms CHAPMAN: For the purposes of a commonwealth agency entering into an agreement with you as the relevant minister, is it necessary for them to pass legislation in the commonwealth parliament?

The Hon. J.R. RAU: That is a very good question, and it is a question that I want to discuss with minister Porter when I have the opportunity to speak with him.

Ms Chapman: They don't have privacy legislation, that I know of.

The Hon. J.R. RAU: This is interesting, actually. I think the answer might be that if we are seeking to deal with only one agency of the commonwealth, like, for example, Social Services, I would envisage that that minister would be subject to any act of his own to the contrary. I assume he would be authorised to deal with stuff within his department. There may be constraints on that, too, by legislation.

If we actually had to interact with more than one commonwealth agency (so, it is interaction with the commonwealth but then there are horizontal commonwealth agency connections) that might well require the commonwealth to consider whether it is—we may be in a far more flexible position than they are. I am hoping to talk to the minister about this soon. I told him that we were going to be putting this bill to the parliament and I intend to write to him and give him an update on how we are going.

I cannot emphasise enough that I do think the opportunity for the commonwealth and the states to partner up where the commonwealth has data and we have data—if you actually put them together, you get an incredibly powerful tool. I think this is very cutting edge stuff.

Ms CHAPMAN: In respect of the agreements with a relevant entity which is a local council, what is the Local Government Association's view on this?

The Hon. J.R. RAU: I do not know their view, but this would only occur if the council in question decided they wish to participate. This does not give me any more capacity to direct the council than it does give me to direct the commonwealth. It just means that I am authorised to seek to reach an agreement with the commonwealth, or a council, or another entity. It does not mean that I have the capacity to direct the council in respect of this any more than I do the commonwealth. Each one of those things would be dealt on an ad hoc basis with whatever entity it might be. If I was offering terms they did not like, I assume they would tell me to go away.

Ms CHAPMAN: Have any councils or the LGA written to you, emailed you or spoken to you and asked you to be part of this new regime?

The Hon. J.R. RAU: Not that I know of, no. It struck me though that, again, coming at it from a child protection perspective, there are various things that councils do that we might want to be sharing data about. For example, they may have information through council inspectors doing certain things which might be relevant. Council inspectors look at whether houses have—and I do not know what they call those people, but people who seem to have old cars and washing machines on their front lawns. What do they call those people?

Ms Chapman: Hoarders.

The Hon. J.R. RAU: Hoarders. So council would know about that sort of person, for example, because they then have to send a van out to collect all the rubbish eventually and send

them a bill—or places which appear to be derelict or whatever, or health inspectors. There is a whole range of things that councils do that might—I am not saying 'are' definitely—conceivably be useful for us to actually have information directly from them. Whether or not there is much that we might supply to councils that would be of legitimate interest to them is a matter for them.

Ms Chapman: That would be a lot.

The Hon. J.R. RAU: If they come up with a suggestion about things that they think they would like to know and that we have information about, they can drop me a line if this goes through and we will have a chat about it.

Mr WINGARD: The line that states that a minister may enter into an agreement relating to the sharing of data with a relevant entity, how do you determine what is appropriate? As we said, there is data right across the board, but how are you going to determine which data is appropriate and which data is not appropriate?

The Hon. J.R. RAU: Each one of these things has got to be a case-by-case value judgement about whether or not the proposed access to data is (a) reasonable, and (b) for a purpose which is likely to deliver any value. You would have to actually present the case, and I will go back to the example I gave about schools.

We know there are a lot of kids who do not go to school when they should, and we also know that the more often a child is not attending school the more likely it is that child has a problem. The problem might be health, but more likely it is a chaotic life at home. There is a strong linkage between absenteeism from school, child protection issues, poor educational outcomes, illiteracy, and a whole bunch of other things.

Ms Chapman: The council health inspector would tell you that.

The Hon. J.R. RAU: No—I was asked more generally about this. If the commonwealth says to me, 'We'll do some data sharing with you if you tell us all the real-time information about whether these kids are bobbing up at school. We will do something like "no jab no cash" for the parents who aren't sending those kids,' I then have to assess that as a value proposition. Do I think, first of all, that the goal of this process is a laudable goal? Namely, get rid of truancy or reduced truancy?

In my opinion, tick, yes, that is very important. What are they asking me to do in order to enable us to share data and do this? The answer is that they just want us to give them real-time data about children not being at school. Do I think that is a reasonable request given the magnitude of the potential benefit? Tick, yes. Then we go off and do the deal. But if they come up with something in which I can see no merit, then we will not do it.

Mr Wingard: That is you personally?

The Hon. J.R. RAU: Yes, but obviously I would be discussing these things with other ministers. In the case I just gave you, for example, I would obviously discuss that with the Minister for Education because it involves the education portfolio.

Ms CHAPMAN: Attorney, are you not making it quite clear that you want to be able to enter into agreements with parties, some of whom have no capacity to negotiate with you on any kind of equal basis: individuals, members of council, and which is going to be a no data, no dollars, no-deal arrangement. Surely, it is just unconscionable that you should be introducing a structure about which you are going to make it abundantly clear that you want cooperation on for the information that they have to disclose to you. If there is any capacity for you to show me where this type of model actually works which expands to these other agencies who do not even know that you are asking to put this into legislation we will have a look at it. But so far, there is none.

The Hon. J.R. RAU: I cannot emphasise this enough. All this is saying is that I can go to the commonwealth government, or the local government, or Anglicare, or somebody and knock on their door and say, 'Excuse me, I'd like to share some data with you, are you interested in talking?'

Ms Chapman: No, it's got to be 'You give me your data or you get no money.'

The Hon. J.R. RAU: No, it's not. Where does it say that? That is ludicrous. I do not control the commonwealth government, I do not control Anglicare, I do not control local government. The

only way we are going to get one of these agreements is if I am offering something they want and they want to sign up for it. That is it.

Ms Chapman interjecting:

The CHAIR: Do you have another question?

Ms Chapman: No.

Amendment carried; clause as amended passed.

New part 4A.

The Hon. J.R. RAU: I move:

Amendment No 12 [DepPrem–1]—

Page 8, after line 16—Insert:

Part 4A—Minister may enter data sharing agreements

11A—Minister may enter data sharing agreements

(1) The Minister may enter into an agreement relating to the sharing of data with a relevant entity.

(2) An agreement between the Minister and a relevant entity under this section may be subject to such conditions as are agreed between the Minister and the relevant entity, including conditions providing for—

(a) the provision of public sector data by a public sector agency to the relevant entity; and

(b) the provision of data by the relevant entity to the Minister or a public sector agency; and

(c) the application of 1 or more of the trusted access principles to the sharing of data under the agreement.

(3) If a relevant entity enters into an agreement under this section, the relevant entity must comply with the conditions of the agreement.

(4) If the Minister enters into an agreement that involves the provision of public sector data by a public sector agency to a relevant entity, the Minister may direct the public sector agency to provide public sector data that it controls to the relevant entity in accordance with the agreement.

(5) The provision of public sector data by a public sector agency to a relevant entity under an agreement under this section is lawful for the purposes of any other Act or law that would otherwise operate to prohibit that provision (whether or not the prohibition is subject to specified qualifications or exceptions) if the public sector data is provided in accordance with the agreement.

(6) Section 14(1) does not apply to a relevant entity that enters into an agreement under this Part.

(7) *The Freedom of Information Act 1991* does not apply to or in relation to a document (within the meaning of that Act) that is provided by a relevant entity, other than a person or body (or a person or body of a class) prescribed for the purposes of paragraph (c) of the definition of relevant entity, under an agreement under this section.

(8) In this section—

relevant entity means—

(a) an agency or instrumentality of the Commonwealth, another State or a Territory of the Commonwealth; or

(b) a council (within the meaning of the *Local Government Act 1999*); or

(c) a person or body, or a person or body of a class, prescribed by the regulations.

New part inserted.

Clause 12.

The Hon. J.R. RAU: I move:

Amendment No 13 [DepPrem–1]—

Page 8, line 22 [clause 12(a)]—After 'Minister' insert ', after consultation with the data provider,'

Amendment carried; clause as amended passed.

Clauses 13 to 15 passed.

Long title.

The Hon. J.R. RAU: I move:

Amendment No 14 [DepPrem–1]—

Long title—After 'agencies;' insert 'to provide for the sharing of data between public sector agencies and other entities; to provide for an Office of Data Analytics;'

Amendment carried; long title as amended passed.

Bill reported with amendment.

Third Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (FILMING AND SEXTING OFFENCES) AMENDMENT BILL

Final Stages

The Legislative Council agreed not to insist on its amendment No 2 to which the House of Assembly had disagreed.

NOTARIES PUBLIC BILL

Final Stages

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 3, page 3, line 2 [clause 3(2)]—After 'interstate legal practitioner' insert:

(but a person is not so entitled during any period in which the person's right to practise is under suspension).

No. 2. Clause 10, page 5, after line 37—Insert:

(2) The name of a legal practitioner who is admitted and enrolled as a notary public under this Act is, by force of this section, taken to be removed from the roll of notaries public for any period during which the legal practitioner is not entitled to practise the profession of the law in this State.

No. 3. Clause 11, page 5 line 38 to page 6 line 6—Delete the clause and substitute:

11—Person acting as notary public contrary to Act

If a person acts as a notary public without being admitted and enrolled as a notary public under this Act, the person is guilty of an offence.

Maximum penalty: $50,000.

JUSTICES OF THE PEACE (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 11, page 5, line 13 [Inserted section 16B(1)]—After 'Act' insert:

to the Commissioner for Consumer Affairs

No. 2. Clause 11, page 5, lines 15 to 18 [Inserted section 16B(2)(a)]—Delete paragraph (a)

No. 3. Clause 11, page 5, lines 21 to 22 [Inserted section 16B(2)(c)]—Delete paragraph (c)

Parliamentary Representation

MURIEL MATTERS

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:54): I was going to also mention that recently I was fortunate enough to be at a function where they supplied guests with M&Ms which had the name of Muriel Matters on them. I just wondered whether you knew about that.

The DEPUTY SPEAKER: I am not sure. Please elaborate and inform the house further.

The Hon. J.R. RAU: There were some fine-looking people there. There was some very good singing actually.

The DEPUTY SPEAKER: Your favourite bit.

The Hon. J.R. RAU: There was a finely dressed woman there who looked like she was possibly Muriel herself, but I believe she was not. I just thought I would say that at the end of the day because it has been a long day, hasn't it? It is nice to leave on a high—

The DEPUTY SPEAKER: To end on a happy note.

The Hon. J.R. RAU: To end on a happy note.

At 17:55 the house adjourned until Wednesday 21 September 2016 at 11:00.

Answers to Questions

BRAIN INJURY AND SPINAL INJURY UNITS

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (13 October 2015).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): The Queen Elizabeth Hospital (TQEH) will develop a specialised role with expertise in subacute services of geriatrics, palliative care and rehabilitation. Provision of early rehabilitation in the acute setting optimises patient care, bed management and the patient journey through the provision of:

- earlier specialist assessment;
- triage and discharge planning;
- earlier intervention to prevent complications and de-conditioning; and
- allowing continued provision of rehabilitation in parallel with treatment of an acute illness while removing the need to transfer sites in order to receive rehabilitation.

Between December 2015 and June 2016 the Chief Executive Officer (CEO) of the Central Adelaide Local Health Network (CALHN) chaired a weekly forum with clinicians based at Hampstead Rehabilitation Centre (Hampstead) and The Queen Elizabeth Hospital (TQEH) about the reforms. She has also made several visits to specialty areas, convened some user groups, multidisciplinary workshops and open staff forums as well as met with some advocacy groups and other stakeholders.

A range of options are being considered to best meet the needs of patients and clinical teams. The needs of families are also being considered as part of this process. Construction work planned at TQEH at the start of 2016 remains on hold, while these processes continue.

QUEEN ELIZABETH HOSPITAL

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (13 October 2015).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): Subsequent to the relocation of the rehabilitation services and The Queen Elizabeth Hospital (TQEH) emerging focus on sub-acute services, TQEH will continue to provide a 24/7 emergency department and will provide urgent care, with life threatening emergencies directed to the new Royal Adelaide Hospital (new RAH).

TQEH will have a focus on multi day elective surgery and continue to provide many inpatient general and specialty medicine services TQEH will develop a specialised role with particular expertise in subacute services, including geriatrics, palliative care and rehabilitation. It will be the location for the statewide services of spinal injury and brain injury rehabilitation.

The wards (especially wards located on the ground level) will need to be reconfigured to accommodate 72 rehabilitation beds. In planning services moves, the needs of patients are always the top priority to ensure these is provision of an excellent level of care and access as currently experienced within each specialty unit.

HILLS LIMITED

In reply to **Mr TARZIA (Hartley)** (9 February 2016).

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy): The Minister for Manufacturing and Innovation has provided the following advice:

On 5 May 2016 Hills formally withdrew from the operation of the Innovation Centre. Hills' corporate services functions remain in South Australia employing approximately 80 people and the government is working to help ensure Hills continues its long history in South Australia. I am advised that the loss of one job, the Manager of the Innovation Centre, could be attributed to Hills' decision to withdraw from operating the Innovation Centre.

PUBLIC SERVICE EMPLOYEES

In reply to **Mr PISONI (Unley)** (11 February 2016).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised:

1. The department has now completed its investigation. Ms Jillian Pyle, Senior VET Classification Assurance Officer, was suspended from duty without remuneration from 16 December 2015. On 28 January 2016 her employment was terminated on the grounds of serious misconduct.

2. Ms Pyle was paid in accordance with her substantive ASO5 classification.

HOSPITAL MANAGEMENT INVESTIGATION

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (24 February 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries):

1. In 2014-15, there were a total of 216 complaints relating to privacy/discrimination. Three of these complaints were about access to records:

- records being inappropriately accessed (1)
- old health records destroyed or not being available (2)

2. The Health and Community Services Complaints Commissioner (HCSCC) is an independent statutory officer established by the *Health and Community Services Complaints Act 2004*.As Minister for Health, I am unable to provide advice about the complaints received by the HCSCC. For details about these complaints, please refer to the HCSCC Annual Report, which is published on the website: www.hcscc.sa.gov.au.

PATIENT RECORDS

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (24 February 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): The *Health Practitioner Regulation National Law (South Australia) Act 2010* requires registered health practitioners and employers of registered health practitioners, to advise the Australian Health Practitioner Regulation Agency (AHPRA) if they have formed a reasonable belief that a health practitioner has behaved in a way that constitutes notifiable conduct in relation to the practice of their profession. I can advise that AHPRA has been notified about these breaches in relation to inappropriately accessing patient records for which the Health *Practitioner Regulation National Law (South Australia) Act 2010* is applicable.

PUBLIC WORKS COMMITTEE: THE QUEEN ELIZABETH HOSPITAL TRANSFORMING HEALTH PROJECT

In reply to **Ms CHAPMAN (Bragg—Deputy Leader of the Opposition)** (13 April 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): The submission to the Public Works Committee in September 2015, specified that The Queen Elizabeth Hospital (TQEH) to Hampstead Rehabilitation Centre (Hampstead) redevelopment works involved extensive consultation to inform the design requirements for the rehabilitation facilities. This occurred with the rehabilitation staff from both TQEH and Hampstead through approximately 20 clinical user group consultation meetings.

SA WATER

In reply to **Mr PISONI (Unley)** (17 May 2016).

The Hon. J.W. WEATHERILL (Cheltenham—Premier): The Minister for Water and the River Murray has provided the following advice:

While SA Water establishes the length of main to be replaced over a particular regulatory period, the specific pipes to be renewed are determined on an annual basis. This approach is taken to ensure the most up to date performance data is utilised to inform decision making. Following are details of SA Water's maintenance schedule for the past 5 years.

METRO PIPE PROGRAM

	Project Name
2013/14 Program	SMITHFIELD – John Street WMR
2013/14 Program	NORTH ADELAIDE—Water Connection to Par 3 Golf Course
2013/14 Program	SALISBURY EAST – Simpson Street WMR
2013/14 Program	NORTHFIELD – York Street WMR
2013/14 Program	CLEARVIEW – Guildford Street WMR
2013/14 Program	ENFIELD – Devon Street WMR
2013/14 Program	PARA VISTA – Lorraine Avenue WMR
2013/14 Program	OAKDEN – Dorset Street WMR
2013/14 Program	PETERHEAD – Mary Street WMR
2013/14 Program	GILBERTON – Park Terrace WMR
2013/14 Program	NORTHFIELD – Jolly Avenue WMR
2013/14 Program	WINGFIELD – Francis Road WMR
2013/14 Program	NORTHGATE – Folland Avenue^
2013/14 Program	ADELAIDE – Hindley Street WMR^

	Project Name
2013/14 Program	NOVAR GARDENS – St Andrews Crescent WMR
2013/14 Program	ADELAIDE—South Terrace WMR
2013/14 Program	ADELAIDE—Kintore Avenue WMR
2013/14 Program	BRAHMA LODGE—Main North Road
2013/14 Program	TRANMERE – Renown Avenue WMR
2013/14 Program	ST PETERS – Second Avenue WMR
2013/14 Program	HOLDEN HILL – Siesta Street WMR
2013/14 Program	CRAIGMORE – Dulkara Avenue WMR
2013/14 Program	WATTLE PARK – Caloroga Street WMR
2013/14 Program	ST PETERS – Third Avenue WMR
2013/14 Program	MODBURY NORTH – Michael Avenue WMR
2013/14 Program	WINDSOR GARDENS – Longview Road WMR^
2013/14 Program	ATHELSTONE – Victoria Avenue WMR
2013/14 Program	POORAKA – Albert Street WMR
2013/14 Program	MODBURY NORTH – Hillary Crescent WMR
2013/14 Program	KALBEEBA – Barossa Valley Way WMR
2013/14 Program	KLEMZIG – Windsor Grove WMR
2013/14 Program	VALLEY VIEW – Spenfeld Court
2013/14 Program	ATHELSTONE – Stradbroke Road
2013/14 Program	TOORAK GARDENS – Watson Avenue WMR
2013/14 Program	GLENSIDE – Cator Street WMR
2013/14 Program	CAMPBELLTOWN – Hancock Avenue WMR
2013/14 Program	ELIZABETH PARK—Perrott Street WMR
2013/14 Program	VALLEY VIEW—Rutherford Street WMR
2013/14 Program	RIDGEHAVEN—Riverside Grove & Ridgefield Avenue WMR
2013/14 Program	MITCHAM – Broughton Avenue WMR
2013/14 Program	EDEN HILLS – Yalanda Street WMR
2013/14 Program	BELAIR – Penno Parade North WMR
2013/14 Program	CLOVELLY PARK – Glandore Avenue WMR
2013/14 Program	SOUTH PLYMPTON – Kerr Grant Avenue WMR
2013/14 Program	COLONEL LIGHT GARDENS – Sturt Avenue WMR
2014/15 Program	CLOVELLY PARK—Celtic Avenue WMR
2013/14 Program	PLYMPTON—Anzac Highway WMR
2013/14 Program	UNLEY—Windsor Street WMR
2013/14 Program	RICHMOND—Bickford Street WMR
2013/14 Program	BEVERLEY—Princess Street WMR
2013/14 Program	PARKSIDE—Blyth Street WMR
2013/14 Program	ST MARYS—Styles Street WMR
2013/14 Program	SOMERTON PARK—Angove Rd & Mayfair Ave WMR
2013/14 Program	WINGFIELD – Davis, Hopkins, Graham & Morgan Streets WMR^
2013/14 Program	ROSEWATER—Russell Street & Mabel Street WMR
2013/14 Program	OTTOWAY—May Terrace WMR
2013/14 Program	BEULAH PARK—Scott Street & Clyde Street WMR

	Project Name
2013/14 Program	OUTER HARBOR—Oliver Rogers Road WMR
2013/14 Program	NORTHFIELD—Northfield Tank Overflow WMR
2013/14 Program	MODBURY NORTH—Jaycee Street
2014/15 Program	RICHMOND —South Road Keswick Bridge Crossing
2013/14 Program	MORPHETT VALE—Randell Road
2013/14 Program	WEST LAKES—West Lakes Boulevard
2013/14 Program	MAGILL—Olive Street
2013/14 Program	HOUGHTON—North East Road
2014/15 Program	BLAIR ATHOL – Lily Street WMR
2014/15 Program	KENSINGTON GARDENS – Fort Avenue WMR
2014/15 Program	MARLESTON – Aldridge Terrace WMR^
2014/15 Program	GOODWOOD – Weller Street
2014/15 Program	PLYMPTON – Ferry Avenue WMR
2014/15 Program	HOLDEN HILL – Andrew Avenue WMR
2014/15 Program	SEMAPHORE—Esplanade WMR
2014/15 Program	ENFIELD – Baker Street WMR
2014/15 Program	SALISBURY EAST – Main North Road WMR
2014/15 Program	MARINO – Coolinga Road WMR
2014/15 Program	ALDINGA BEACH – Esplanade Road WMR
2014/15 Program	ALBERT PARK – Gordon Street WMR
2014/15 Program	ENFIELD – Taunton Avenue WMR
2014/15 Program	SEMAPHORE – Hanson Street WMR
2014/15 Program	TORRENS PARK – Blythewood Road WMR
2014/15 Program	MITCHAM – Lisburne Avenue WMR
2014/15 Program	EDWARDSTOWN – Weaver Street WMR
2014/15 Program	PARA VISTA – Charmaine Avenue WMR
2014/15 Program	NEWTON – Orchard Grove WMR
2014/15 Program	MARLESTON – Argyle Avenue WMR
2014/15 Program	ADELAIDE – Hall Court WMR
2014/15 Program	ADELAIDE – Elizabeth Street WMR
2014/15 Program	GLENELG – Patawalonga Frtg WMR
2014/15 Program	SEAFORD – Compass Drive WMR
2014/15 Program	MILE END SOUTH – London Road WMR
2014/15 Program	PASADENA – Cashel Street WMR
2014/15 Program	SEAVIEW DOWNS – Hurst Street WMR
2014/15 Program	ROYAL PARK – Forest Avenue WMR
2014/15 Program	TROTT PARK – Tyson Avenue WMR
2014/15 Program	COLLINSWOOD – Salisbury Terrace WMR
2014/15 Program	DOVER GARDENS – Winchester Street WMR
2014/15 Program	MANSFIELD PARK – Kimberley Street WMR
2014/15 Program	SOUTH BRIGHTON—Esplanade WMR
2014/15 Program	VALLEY VIEW – Grand Junction Road WMR

	Project Name
2014/15 Program	PARK HOLME—Sandison Avenue
2014/15 Program	SOMERTON PARK—College Road
2014/15 Program	ADELAIDE—Grenfell Street WMR
2014/15 Program	HAWTHORNDENE- Hawthorndene Drive
2014/15 Program	RICHMOND—Richmond Road
2014/15 Program	MELROSE PARK—Kegworth Road WMR
2014/15 Program	WALKERVILLE—North East Road
2014/15 Program	FLINDERS PARK—Thistle Avenue
2015/16 Program	ST MARYS – Lloyd Street
2015/16 Program	MODBURY NORTH – Kelly Road (1)
2015/16 Program	MODBURY NORTH – Kelly Road (2)
2015/16 Program	PARA HILLS – Sleep Road
2015/16 Program	KENSINGTON PARK – Lockhart Street
2015/16 Program	PARA HILLS – Maves Road
2015/16 Program	ADELAIDE – King William Street
2015/16 Program	ADELAIDE – Gray Street
2015/16 Program	TOORAK GARDENS – Christie Avenue
2015/16 Program	MARDEN – Marden Road
2015/16 Program	NORTHFIELD – Winston Court
2015/16 Program	HECTORVILLE – Moorlands Road
2015/16 Program	LINDEN PARK – Keyes Street
2015/16 Program	TORRENSVILLE – North Parade
2015/16 Program	PROSPECT – Alexandra Street
2015/16 Program	ASCOT PARK – Marion Road
2015/16 Program	TOORAK GARDENS – Martindale Avenue
2015/16 Program	CAMPBELLTOWN – Rowney Avenue
2015/16 Program	ROSTREVOR – Johnson Avenue
2015/16 Program	ELIZABETH NORTH – Womma Road
2015/16 Program	KINGSWOOD – North Parade
2015/16 Program	PROSPECT – Labrina Avenue
2015/16 Program	OTTOWAY – Milburn Street
2015/16 Program	ST MARYS – Thurles Street
2015/16 Program	TOORAK GARDENS – Hewitt Avenue
2015/16 Program	HILLCREST – Fleet Avenue
2015/16 Program	SEACLIFF PARK – Thomas Street
2015/16 Program	HECTORVILLE – Binnswood Street
2015/16 Program	VALLEY VIEW – Audrey Crescent
2015/16 Program	GILLES PLAINS – Tasman Avenue
2015/16 Program	BROADVIEW – Galway Avenue
2015/16 Program	EDWARDSTOWN – Karong Avenue
2015/16 Program	MODBURY NORTH – Beltana Avenue
2015/16 Program	VALLEY VIEW – Geoffrey Avenue

	Project Name
2015/16 Program	ROYAL PARK – Lowe Street
2015/16 Program	MODBURY – Harcourt Terrace
2015/16 Program	LOWER MITCHAM – Dunbar Avenue
2015/16 Program	BEAUMONT – Fernleigh Avenue
2015/16 Program	NAILSWORTH – Emilie Street
2015/16 Program	ALBERT PARK – Derby Street
2015/16 Program	FULHAM – Colwood Avenue
2015/16 Program	SEFTON PARK – Margaret Street
2015/16 Program	SEATON – Tapleys Hill Road
2015/16 Program	KINGSWOOD – Balham Avenue
2015/16 Program	ATHELSTONE – Maryvale Road
2015/16 Program	PROSPECT – Moore Street
2015/16 Program	LOCKLEYS – Lorraine Avenue
2015/16 Program	ST AGNES – Tolley Road
2015/16 Program	GAWLER EAST – Cheek Street
2015/16 Program	BEULAH PARK – Salop Street
2015/16 Program	HECTORVILLE – Reid Avenue
2015/16 Program	GLANDORE – Cross Road
2015/16 Program	BRAHMA LODGE—Kerley Ct
2015/16 Program	PASADENA-Colyer Avenue
2015/16 Program	CLEARVIEW—Walton Avenue
2015/16 Program	GEPPS CROSS—Pt Wakefield Road
2015/16 Program	DEVON PARK—Exeter Tce
2015/16 Program	WATTLE STREET—Malvern
2015/16 Program	BLAIR ATHOL—Manuel Avenue
2015/16 Program	MARLESTON—Commercial Rd & Moss Rd
2015/16 Program	FERRYDEN PARK—McEllister Court
2015/16 Program	HENLEY BEACH—North St
2015/16 Program	WINDSOR GARDENS—Cadell Street
2016/17 Program	Adelaide – Holland St
2016/17 Program	Adelaide—Maxwell Street
2016/17 Program	Ascot Park – Railway Tce
2016/17 Program	Athelstone – Wicklow Ave
2016/17 Program	Athol Park – Glenroy St
2016/17 Program	Bellevue Heights – Sherwood Ave
2016/17 Program	Broadview – Erin St
2016/17 Program	Broadview – Meredith St
2016/17 Program	Brooklyn Park—Sir Donald Bradman Dr
2016/17 Program	Clearview—Hampstead Rd (2)
2016/17 Program	Clearview – Hampstead Rd (3)
2016/17 Program	Clearview – Hampstead Rd (1)
2016/17 Program	Clearview – Kent Ave

	Project Name
2016/17 Program	Clearview – Sarina Ave
2016/17 Program	College Park – Trinity St
2016/17 Program	Edwardstown – Conmurra Ave
2016/17 Program	Edwardstown – Gumbowie Ave
2016/17 Program	Elizabeth – Harvey Rd
2016/17 Program	Elizabeth Grove – Haynes St
2016/17 Program	Gawler East – Cockshell Dr
2016/17 Program	Gawler East – Turner St
2016/17 Program	Glenside—L'Estrange St
2016/17 Program	Greenacres—Redwood Avenue
2016/17 Program	Hillcrest – Norseman Ave
2016/17 Program	Kilburn – Garland Ave
2016/17 Program	Kingswood – Halsbury Ave
2016/17 Program	Mansfield Park—Grand Junction Rd
2016/17 Program	Mitchell Park – Sampson Rd
2016/17 Program	O'Halloran Hill – Boxwood Rd
2016/17 Program	Para Vista – Montague Rd
2016/17 Program	Paracombe – Hurst Rd
2016/17 Program	Paradise – Gorge Rd (2)
2016/17 Program	Paradise – Grantham Gr
2016/17 Program	Plympton Park – Tennyson Ave
2016/17 Program	Prospect – Charles St
2016/17 Program	Prospect – Flora Tce
2016/17 Program	Prospect—Le Hunte Ave
2016/17 Program	Prospect – Olive St
2016/17 Program	Prospect – Ragless Ave
2016/17 Program	Rostrevor – Forest Ave
2016/17 Program	Rostrevor – Moules Rd
2016/17 Program	Rostrevor – Sheila St
2016/17 Program	Seacombe Gardens – Bluebell Ave
2016/17 Program	Seacombe Gardens – Ramsay Ave
2016/17 Program	South Brighton – Tucker St
2016/17 Program	Toorak Gardens—Cudmore Ave
2016/17 Program	Torrensville – North Pde
2016/17 Program	Wattle Park – Penfold Rd
2016/17 Program	Wayville – Davenport Tce
2016/17 Program	Windsor Gardens – Lagonda Dr
2016/17 Program	Windsor Gardens—Metcalf St
Ongoing Monitoring	Paradise – Gorge Rd (1)
Ongoing Monitoring	Plympton – Anzac Hwy
Ongoing Monitoring	Edwardstown – Gurney St
Ongoing Monitoring	Gilles Plains – Lurline Ave

	Project Name
Ongoing Monitoring	Adelaide—Morphett St
Ongoing Monitoring	Adelaide—Gilles St
Ongoing Monitoring	Adelaide—King William Rd
Ongoing Monitoring	Adelaide—Grote St
Ongoing Monitoring	Ashford—Anzac Hwy
Ongoing Monitoring	Athelstone—Addison Ave
Ongoing Monitoring	Bedford Park—Flinders Drive
Ongoing Monitoring	Bedford Park—Main South Rd
Ongoing Monitoring	Beverly—Wodonga St
Ongoing Monitoring	Blackwood—Brightview Ave
Ongoing Monitoring	Bowden—Gibson St
Ongoing Monitoring	Brahma Lodge—Frost Rd
Ongoing Monitoring	Brighton—Brighton Rd
Ongoing Monitoring	Camden Park—Anzac Hwy
Ongoing Monitoring	Campbelltown—Reserve Rd
Ongoing Monitoring	Clapham—Springbank Rd
Ongoing Monitoring	Clearview—Hampstead Rd
Ongoing Monitoring	Clovelly Park—English Ave
Ongoing Monitoring	Craigmore—Yorktown Rd
Ongoing Monitoring	Cumberland Park—Avenue Rd
Ongoing Monitoring	Davoren Park—Bishopstone Rd
Ongoing Monitoring	Edwardstown—Daws Rd
Ongoing Monitoring	Fairview Park—Buckley Cres
Ongoing Monitoring	Fulham—Delray St
Ongoing Monitoring	Gilles Plains—Glenroy Ave
Ongoing Monitoring	Glenside—Sydney St
Ongoing Monitoring	Greenacres—Redward (2) Ave
Ongoing Monitoring	Greenacres—Muller Rd
Ongoing Monitoring	Hectorville—South St
Ongoing Monitoring	Henley Beach —Marlborough St
Ongoing Monitoring	Hillcrest—Augusta St
Ongoing Monitoring	Holden Hill—Naretha St
Ongoing Monitoring	Holden Hill—Grand Junction Rd
Ongoing Monitoring	Ingle Farm—Mary Leonard Drive
Ongoing Monitoring	Ingle Farm—Beovich Rd
Ongoing Monitoring	Joslin—Seventh Ave
Ongoing Monitoring	Kensington Gardens—East Tce
Ongoing Monitoring	Melrose Park—Comaum St
Ongoing Monitoring	Melrose Park—Mead St
Ongoing Monitoring	Millswood—Cranbrook Ave
Ongoing Monitoring	Mitchell Park—Waterman Tce
Ongoing Monitoring	Modbury North—Kelly Rd
Ongoing Monitoring	Northfield—Hampstead Rd

	Project Name
Ongoing Monitoring	Oakden—Grand Junction Rd
Ongoing Monitoring	Panorama—Boothby St
Ongoing Monitoring	Para Hills—Graham St
Ongoing Monitoring	Para Hills—Robert Ct
Ongoing Monitoring	Paracombe—Murray Rd
Ongoing Monitoring	Paradise—Caroline St
Ongoing Monitoring	Parkside—Randolph Ave
Ongoing Monitoring	Pasadena—Adelaide Tce
Ongoing Monitoring	Pennington—Butler Av
Ongoing Monitoring	Port Adelaide—Bedford St
Ongoing Monitoring	Regency Park—Grand Junction Rd
Ongoing Monitoring	Rostrevor—Rita Ave
Ongoing Monitoring	Rostrevor—Cortlyne Rd
Ongoing Monitoring	Rostrevor—Moules Rd
Ongoing Monitoring	Salisbury—Frost Rd
Ongoing Monitoring	Salisbury East—Titmus Ave
Ongoing Monitoring	Salisbury Heights—Green Valley Dr
Ongoing Monitoring	Seaview Downs—Wangary Tce
Ongoing Monitoring	St Marys—South Rd
Ongoing Monitoring	St Peters—Sixth Ave
Ongoing Monitoring	Stepney—Nelson St
Ongoing Monitoring	Windsor Gardens—Sudholz Rd
Ongoing Monitoring	Windsor Gardens—Welkin St
Ongoing Monitoring	Windsor Gardens—Seymour Ave
Ongoing Monitoring	Wingfield—East Tce

TRUNK MAIN PROGRAM

PRIORITY	LOCATION	PROJECT STATUS
1	Anzac Highway DN650	Completed – Relay
		C0566 – Feb 2008
		C6253 – Feb 2008
2	South Parklands DN650	Completed – Relined
		C6253 – Feb 2008
3	Muller Rd DN600	Completed – Relined
		C0509 – Feb 2009
4	Marion Rd DN600	Completed – Relined & Relay
		C0513 – Feb 2012
5	Glen Stuart Rd DN600	Completed – Decommissioned
		C1180 – May 2002
6	North East Rd DN750	C0728 – Due for completion in 2016. Asset to be transferred to Eastern Alliance for Stormwater & Recycled Water Supply

PRIORITY	LOCATION	PROJECT STATUS
7	Gorge Rd DN600/525	Sections offline – further development required to downside this main. Due for inspection in 2016/17
8	Cross Rd DN450	Completed – Relined & Relay
		C1869 – Mar 2011
		C1144 – Feb 2012
9	Carrick Hill DN450	Consequence score reduced to 2 due to NSIS and Cross Road DN450
		Due for inspection in 2016/17
9	Waite Rd DN450	Completed – Relined & Relay
		C1144 – Feb 2012
10	Grange Rd DN375	Completed – Decommissioned
		NSISP – May 2012
11	North Terrace DN600	Stage 1 Completed – Decommissioned – 2004
		Remaining section to be decommissioned once the RAH moves to new site.
12	Brighton Parade DN525	Inspection completed in 2014. Growth will drive replacement.
13	Pridmore Rd DN600	Completed –Relay
		C0832 – July 2012
14	Lyons Rd DN900	C0728 – Due for completion in 2016. Asset to be transferred to Eastern Alliance for Stormwater & Recycled Water Supply
15	Kensington Rd DN450	Due for inspection in 17/18
16	H.V.No 1 Inlet DN900	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.
17	Pipetrack H.V.DN900	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.
18	Sturt Rd DN700	Critical section being replaced as part of Darlington upgrade
19	Darlington St Sturt DN900	Being replaced as part of Darlington upgrade
20	Hillside Rd DN390	
21	Regency Rd Fdn Pk DN600	
22	Barossa TM DN750	1st inspection completed in 2014. Next inspection due 2016.
23	Goodwood Rd DN600	
24	South Rd DN700/650	In Development Third Party Works DPTI – Darlington
		Condition assessment completed in 2015.
25	Goodwood Rd DN650	
26	Regency Rd DN600	
27	East Parklands DN400	
28	Ayliffes Rd DN700	In Development Third Party Works DPTI—Darlington
29	Pasadena P.S. DN375AC	
30	Clapham P.S. DN600	Inspection Planned for August 2016
31	H.V. P.S.227 DN600	
32	Castambul Gorge Rd DN750	Sections offline – further development required to downside this main.
33	Old Port Rd DN600	

PRIORITY	LOCATION	PROJECT STATUS
34	Adelaide Airport DN750	Inspected in 2012 Due for inspection in 2016/17
35	Payneham Rd DN450 CICS	Inspection Planned for April 2016
36	Payneham Rd DN450 CICS	Inspection Planned for April 2016
37	Main Rd Blackwood DN600	
38	Bartels Rd Adelaide DN400	Main modifications completed in 2011/12 to isolate main during Clipsal
39	Hutt St DN850	
40	Clapham Unley DN1000	
41	H.V. Clapham DN1200	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.
42	Hope Valley NA Tank DN1350	
43	King William St DN750	Stage 1 Completed – Decommissioned
		Third Party Works – 2010
44	Myponga T/M DN900-750	Access Track – In Development
45	Anstey Hill MAPL DN1200	
46	Foothills T/M DN1000	
47	Nth Adelaide Findon DN1100	Inspection completed at South Road intersection 2016.
48	Grand Junction Rd DN900	
49	G-J Rd Hope Valley DN1750	
50	H.V. No2 Outlet DN2100	Due for inspection in 18/19 – Need Clapham & Terminal Storage tank projects completed first.

EMERGENCY DEPARTMENT STATISTICS

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (24 May 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): I am advised that the SA Health webpage for emergency department statistics was down temporarily on 24 May, 2016, due to a technical problem. The issue with this page has now been fixed and the information on emergency department presentations, admissions and other data from the past four financial years is now available.

WOMEN'S AND CHILDREN'S HOSPITAL

In reply to **Mr MARSHALL (Dunstan—Leader of the Opposition)** (25 May 2016).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries): The use of clean, but not sterilised syringes used during paediatric cerebrospinal shunt surgery at the Women's and Children's Hospital (WCH) involved 16 patients between August, 2013, and April, 2016. Out of these 16 patients, there were six children that had the clean syringe used more than once; however, this did not increase the infection control risk to these children.

The increased potential risk of harm from a clean, but not sterile syringe is regarded by the medical specialists to be low, due to administered antibiotics acting on any contamination and a demonstrated reduction in the infection rate at WCH since a new protocol was adopted, in August, 2013, to reduce the rate of cerebrospinal fluid shunt infections. Also, the overall shunt infection rate at WCH, as supported by empirical evidence, compares favourable to published international rates. Shunt infection is a known risk in all shunt surgery, with consent clearly articulating this.

FAMILIES SA

In reply to **Ms SANDERSON (Adelaide)** (23 June 2016).

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills): I have been advised that all staff have been recruited.

Estimates Replies

VOLUNTEER AMBULANCE TRAINING

In reply to **Dr McFETRIDGE (Morphett)** (24 July 2015). (Estimates Committee A)

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries):

1. The 2015-16 budget for volunteer clinical education is $3.747 million. This includes direct training costs for new recruits, staff costs to develop and maintain curriculum required by national standards and regular training at station level supported by paid regional team leaders and specialist regional educators, including manual handling training, Chemical, Biological and Radiological training, and driver training.

2. SA Ambulance Service (SAAS) has considered using Country Fire Service (CFS) volunteers as first-responders. However, this is a complex matter involving competing priorities in emergency situations for which SAAS and CFS volunteers have distinctly different responsibilities. Working through these competing priorities would need considerable consultation and planning. Inter-CAD is a multiple response system where the original call-taking agency (SAAS, SA Police or Metropolitan Fire Service) can automatically notify other agencies of an incident which they may be required to respond to. Agencies then dispatch their own resources according to individual protocol.

3. In 2015-16 SAAS capital programs have made a contribution toward a $15.5 million stretcher replacement program. The new powered stretchers will reduce manual handling injuries experienced by paramedics and volunteer ambulance officers, and provide increased patient safety. The capital budget for volunteer ambulance stations for 2015-16 is $0.188 million. SAAS has reviewed volunteer ambulance station projects for 2015-16 in order to manage the change. None of the projects affected will impact on service delivery. The budget expenditure for volunteer ambulance stations will revert to pre-contribution levels at the conclusion of this funding arrangement in 2018-19 ($2.498 million).