HOUSE OF ASSEMBLY

Wednesday, 24 September 2014

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

Motions

REGIONAL HEALTH SERVICES

Mr VAN HOLST PELLEKAAN (Stuart) (11:01): I move:

That this house establish a select committee to inquire into and report on—

1. The review by the Health Performance Council on the operations of the health advisory councils in accordance with the Health Care Act 2008.
2. The current provision and plans for future delivery of health services in regional South Australia, with particular reference to—
   - (a) the role and responsibilities of health advisory councils and the benefits, or otherwise, of the removal of local hospital boards;
   - (b) amalgamations of health advisory councils in regional South Australia;
   - (c) trends in local community fundraising for medical equipment and services;
   - (d) how funds currently and previously raised by local communities are held and spent, with particular regard to authorisation and decision-making;
   - (e) timing of provision of finalised operation budgets in country hospitals;
   - (f) ownership and transfer of property titles of country hospitals;
   - (g) the process and timing of the hiring of staff for new and existing positions;
   - (h) South Australian Ambulance Service arrangements, including the role of volunteers, fees and fundraising and the benefits, or otherwise, to local community events;
   - (i) scope of practice of general practitioners to country hospitals and the provision of accident and emergency care;
   - (j) procurement by Country Health SA and the benefits, or otherwise, to country communities;
   - (k) mandated fees to DPTI for management of maintenance and minor works;
   - (l) the benefits, or otherwise, of all rural and remote South Australia being classified as one primary health network within the federal health system;
   - (m) the implementation of EPAS in country hospitals;
   - (n) integrated mental health inpatient centres for regional South Australia; and
   - (o) any other relevant matters.

This motion is extremely similar to one that was moved by the Liberal opposition back in February 2011. On 23 February 2011, the Hon. Michelle Lensink, on my and my colleagues' behalf, moved in the other place a motion with very similar terms of reference.

The reason this was done was that, back in May 2008, the state Labor government put forward its country health plan, and every member in this place, even those who were not elected at the time, will remember the enormous community backlash against that plan, including from people in metropolitan Adelaide, I have to say. They were very supportive of country South Australia because they have friends and relatives in country areas. They want to go on holidays or short visits to country areas. They understand far better than this government does that its job is to represent all of South Australia, not just metropolitan areas, so even people in the city supported people in the country.

It is imprinted on my mind, as it is upon the minds of all other country members of parliament, how passionately, vehemently, strongly and, in many cases, angrily country people voiced their

opposition to what the government wanted to do, which essentially was a watering down of all of country health, removal of local decision-making opportunities and authorities and, really, centralising all that power back to Adelaide.

Of course, there are decisions that only professional, trained medical practitioners, whether they be doctors, nurses, allied health professionals, whoever they are, can make but community people have an enormous role to play with regard to the best way for that medical support to be delivered into their communities, and for the government to be trying to water down that contribution is absolutely disgraceful.

To the government's credit, and to the minister's credit, back in early 2011 former minister Hill said, 'Look, that's okay, Dan. I'm happy to have that inquiry. Let's figure out the terms of reference together. If we can agree together those terms of reference, then yes, I'll certainly agree to it.' We did exactly that. Minister Hill and I sat down and agreed a very reasonable, very responsible terms of reference, which would suit my aims with regard to having a frank and thorough inquiry into the delivery of health services in country areas, and which was also, minister Hill said, one that he was very comfortable to have inquired into as well. So good on former minister Hill for doing that. Current minister Snelling has been very, very quiet on this issue, and I think unfortunately so.

The SPEAKER: 'The Minister for Health' will be sufficient. We do not need his surname.

Mr VAN HOLST PELLEKAAN: The current Minister for Health has been very quiet on this issue and that is, of course, concerning, but the government at one stage did say, 'Yes, we will participate in this inquiry.' Government members in the other place were allowed to join with all other members and it was unanimously supported that the Social Development Committee would undertake this inquiry. I thought that was great: bipartisan, genuine, looking to country health—terrific. The terms of reference were agreed and everybody was on side.

But, Mr Speaker, nothing has happened since then—absolutely nothing has happened since then. I very regularly engaged with the Social Development Committee. I was perpetually told that this would be the next inquiry—'not the current one, but the one after that, and we will get on to your country health inquiry'—but it never ever happened.

On Friday 3 August, I wrote to the Hon. John Gazzola, who was then the chair of that committee, and asked him exactly what the status was, because my verbal approaches were not making any headway. He wrote back on 10 October, eight months later. I will not read the whole letter out, but essentially it stated:

> The terms of reference into the delivery of health services in regional South Australia remain on the committee's work program for 2013.

It was a bit slow, but the chair said that it would happen in 2013. In February 2013, I wrote to the then chair of the Social Development Committee, the Hon. Russell Wortley, and said, 'I have been advised it will happen in 2013. Committee chair, can you give me an update, please?' Again, I will not read the whole letter out, but, just as in the previous letter, the last sentence says it all:

> The committee secretary will keep you apprised of the committee's continuing work program.

So, far less specific than the former chair, which of course set off even more alarm bells. That is why I have come back to this house asking for a select committee, because I am not comfortable with leaving it with the Social Development Committee. That is no reflection upon the members of the Social Development Committee, who I am sure are jointly trying to do the very, very best work that they can. But clearly since early 2011 no progress has been made on this matter by the committee, despite the chairs telling me that it would actually be progressed.

That is why I am uncomfortable with asking the Social Development Committee to embark upon this work and that is why I am specifically asking this house to establish a select committee to look into this issue. I have been advised by the minister's office that they have a strong preference for asking the Social Development Committee to continue to do this work. I appreciate the fact that the minister and his staff have been forthright with me and given me their position on their preference. However, as I have said quite openly to them, we have been down that track before, and it will not satisfy the people I represent or the people in broader regional South Australia to be told again, 'Well, we'll just hand it over to a committee that may or may not be able to do the work.'

I also said in my discussions, 'If I could be given some form of commitment on exactly when this will happen I could be persuaded to consider accepting that suggestion.' Unfortunately, no such commitment has been forthcoming, so I think the only appropriate path to take is to have this house establish a select committee because I have no confidence, and the people I represent in regional South Australia have no confidence, that the Social Development Committee will get to this piece of work.

There are nine hospitals in the electorate of Stuart and every single one of them is an incredibly important institution that provides very good health care with really capable people working exceptionally hard in those hospitals and in all of the other medical support services that are typically linked to hospitals. Of course, they do not just support the towns they are in; they support the districts that surround them and the towns that surround them.

My reason for pursuing this issue is that not only do I still have constituents who range from being concerned all the way through to being exceptionally angry about what the government has flagged that it wants to do with country health services—which is the case, of course, as people are there in my electorate—but I am also approached regularly by doctors, nurses, allied health professionals and members of health advisory committees (HACs), people who work in the system who say, 'There are problems with the system. We need this inquiry to go ahead.' It is not about trying to axe everything that goes on; it is about trying to improve everything that goes on. Professional people working in the system want this inquiry, and patients and potential patients want this inquiry.

There are nine hospitals in the electorate of Stuart. I do not know how many there are across all of country South Australia, but there is an enormous number of them and they are all saying with a united and responsible voice, 'We want this to go ahead.' If it is deferred to the Social Development Committee, those people—the patients, the potential patients and the health professionals—have no confidence that it will ever reach an active stage of work.

I do not have time to discuss all the terms of reference I am proposing here, but I will just touch on a few of them. Trends in local community fundraising for medical equipment: it is a fact that over the last several years country communities' appetites for fundraising have diminished significantly because they are worried about where the money is going to go. Provision of finalised operating budgets to HACs: it is a fact that the people who represent their communities on health advisory councils are not getting timely advice, so how on earth can they make recommendations on behalf of their committee when they do not get timely advice on how hospital finances are operating?

Property titles, which were held by the community, are now held by the government—for example, SA Ambulance Service. Deputy Speaker, give you a very real and very specific example. Booleroo Centre and District Ambulance Service was founded as a community-run ambulance service operating under the St John banner. It operated independently, and fundraising by the Booleroo Centre community provided the funds for the purchase of assets for the BCDAS, as normal ambulances could not cater for multiple patients or whole-day attendances.

In 1986, the community identified the need for a mobile field unit to provide a mobile room operating as a first-aid station for community events and natural disasters. The community raised enough money to purchase a Toyota truck and cab chassis, and it built a body to suit the requirement. The community did that work.

Inside the purpose-built body, additions included a high-low raising platform to lift patients into the area, cupboards, a permanent bed, a stretcher, a fridge, air conditioning and heating, and bench space was built or bought by the community to create a unique vehicle satisfying the community's needs. Many people worked tirelessly to make this happen, with many hours and dollars put in by the community to achieve this unique engineering feat. Since the vehicle was finished virtually every annual or one-off event held within the community serviced by the BCDAS was successfully attended by this unit.

During 2005-06 BCDAS was seconded to the South Australian Ambulance Service from St John but continued to be owned and operated by BCDAS. On 1 July 2009 the Boolaroo Centre and District Ambulance Service ceased to exist and was amalgamated with the SAAS. All assets came under SAAS ownership. This included land, vehicles, equipment and associated assets of the

services. The field unit was sent to Adelaide to be rebadged in SAAS colours and returned to Boolaroo where it continues to operate successfully.

In February 2014 the vehicle was asked to attend the Peterborough Rodeo, but three days prior to the event the SAAS regional team leader declined the use of the mobile field unit and, for some reason, this perfectly functional and useful unit was required to be reassessed. No formal notification was given to the Booleroo Centre team and it was only when a team member inquired about the result of the inspection of the unit on 17 June that they were informed that the unit was to be decommissioned.

Without any further consultation with ambulance members or the community who built the vehicle, it was taken to Adelaide on 26 June and stripped, and it is now awaiting auction on 16 October. I could give you hundreds of examples, but that is a shining real-world example of what the government is trying to do to country health and it needs to be investigated.

Mrs VLAHOS (Taylor) (11:16): On behalf of the government I move to amend the motion as follows:

Delete the words 'this house establish a select committee to' and replace with 'the Social Development Committee'

As the member for Stuart has outlined some of his arguments, I will place the government's response to that on the record. I understand that he has had discussions with the minister's office today. Are you happy for me to proceed?

The DEPUTY SPEAKER: Yes.

Mrs VLAHOS: The government seeks to amend this motion:

That this house establish a select committee to inquire into and report on—

1. The review by the Health Performance Council on the operations of the health advisory councils in accordance with the Health Care Act 2008.

2. The current provision and plans for future delivery of health services in regional South Australia…

The amendment to establish an inquiry under the Social Development Committee instead of a select committee is most relevant. Whilst we in the lower house have no control of the upper house, we can ask the Social Development Committee to prioritise this as a matter of urgency for the member for Stuart, but it is up to the upper house, as master of its own destiny, to decide how it deals with its internal committees.

The proposed scope of the inquiry is very broad and, in fact, it has been canvassed previously by some speakers. A number of the items are important. Health reform is important to all of us in South Australia, and it is an ongoing process. Certainly the federal budget cuts have made transforming the health agenda, innovation and consolidation of health facilities to ensure all Australians are represented pivotal to the minister's role, and he is very mindful of this. That is why he seeks the guidance of the Social Development Committee in the upper house to consider these matters.

Under the Health Care Act 2008, the National Health Reform Agreement, local health care networks are accountable for the planning and provision of health services in their networks. The Country Health South Australia LHN undertakes planning for the provision of health services based on extensive local consultation through health advisory councils and business plans, clinician consultation through clinical government processes and discussions with SA Health through commissioning processes. A number of the items specifically related to health advisory councils in country South Australia are subject to a reform process currently being undertaken by the Premier of South Australia, where every South Australian government board and committee has been requested to demonstrate its essential process and cannot be met through other means.

All of these things are in a dynamic playing space at the moment and it is best that we provide the Social Development Committee with this ongoing statewide task rather than have a select committee, which will be a witch-hunt, to demonstrate one case, as the member for Stuart highlighted earlier, where we do not understand the clinical, operational or accreditation needs about why that vehicle was decommissioned. That evidence has not been brought before the house and we have

only heard one side of the story. I think it lays in the gamut of the Social Development Committee to deal with this matter and I seek the government's support for the amendment.

Dr McFETRIDGE (Morphett) (11:19): I strongly support the motion by the member for Stuart to have a select committee set up to examine country health in South Australia. Can I just say if the government thinks their health system is so good, they should be afraid of nothing, they should set up a select committee, they should have it report as soon as possible and not shove this inquiry off to a very hardworking committee, the Social Development Committee, and list it with their other inquiries.

It is very important to all South Australians that the health system is working well, and we all remember the words of former minister John Hill when he said that the South Australian public expect him as the minister of the Crown to provide a good public health service and the buck stops with him. Minister Snelling cannot walk away from that responsibility either. He has to be responsible for all of South Australia.

If he has nothing to be afraid of, if he is proud of the system, if he is proud of the way it is working and if he is proud of the fact that we have ambulances ramping, we have hospitals full and we have chronic overcrowding in our system, well let's have a look at what is going on, because we all know in this place that one of the biggest country hospitals is the Royal Adelaide Hospital.

We have hundreds of people from the country in the Royal Adelaide Hospital. They are stuck in there in many cases because they cannot go back to their country hospitals because this government has been so city-centric in the past. If the government is proud of what they are doing, let's set up a select committee. The terms of reference are quite clear, quite explicit, nothing dodgy there, it is all there. Let's be proud of the system, minister, let's set up the committee and let's get on with it.

The members of this place should, if they want to equate themselves with the state of health in South Australia—an up to the minute state of health in South Australia—go onto the Department for Health's dashboard, elective surgery dashboards, ambulance dashboards and inpatient dashboards and have a look to see the state of our hospitals today.

I will go through some I downloaded this morning. Let's look at the ambulance service dashboard this morning, a bit over an hour ago. You will see every hospital, other than the Repat, is chock-a-block full; it is in the white-hot zone. The Women's and Children's women's section still has some spare capacity. They have flexed up the beds and they are full to the brim and overflowing.

The minister cannot say they are setting up more mental health beds, and they have had review after review because, an hour ago, at 10.18 today, at Flinders Medical Centre, the mental health unit was full and they were three beds short. An hour ago, at the Royal Adelaide Hospital the mental health wards were full and 10 people were waiting for a mental health bed. The EDs are in the red-hot zone or in the white zone. We know that a full hospital, according to the AMA—

Mrs VLAHOS: Point of order.

The DEPUTY SPEAKER: Member for Taylor.

Mrs VLAHOS: Relevance; I believe we are talking about country health not EDs.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Marshall interjecting:

The DEPUTY SPEAKER: Order! I am on my feet, leader. Let's not have a day that we will all be ashamed of at the end of it. I will keep listening to the debate and ask the member for Morphett to remain on topic. Thank you.

Dr McFETRIDGE: Thank you, Deputy Speaker. Obviously the member for Taylor was not listening when I said that the biggest country hospital in South Australia is the Royal Adelaide Hospital.

An honourable member interjecting:

The DEPUTY SPEAKER: Order!

Dr McFETRIDGE: There are hundreds of people in the Royal Adelaide Hospital today. This is all about country health. This is about equity and country people in South Australia being treated exactly the same as their city cousins. They want it, they need it and they deserve it, but this government is not delivering it. Just look at the government's own website; look at your dashboards. Member for Taylor, go and look at the dashboard. You have some medical background, go and look; you will understand those. The facts cannot lie. If this is correct, if there are 10 patients waiting at the Royal Adelaide Hospital because there are not enough mental health beds, that is a crying shame. It gets worse because at the Royal Adelaide Hospital today at 10 o'clock today, there were six—

The DEPUTY SPEAKER: Member for Morphett, I do think this is slightly straying off what we want to talk about which is health performance—

Dr McFETRIDGE: Deputy Speaker, I do not know how many of the seven people who are stuck in the ED at Royal Adelaide Hospital because they are waiting for mental health beds—

The DEPUTY SPEAKER: Do you know how many of those people are from the country?

Dr McFETRIDGE: I do not know how many of those are from the country.

The DEPUTY SPEAKER: Well, you don't either.

Dr McFETRIDGE: I don't know.

The DEPUTY SPEAKER: So let's—

Dr McFETRIDGE: But I would guarantee because there are hundreds of people—

The DEPUTY SPEAKER: —try to keep on task, which is regional heath, as far as I can understand.

Dr McFETRIDGE: I cannot move away from the fact that country people require the best quality treatment they can get and, unfortunately for them, that requires a trip to Adelaide. It is part of country health, it is part of the services. The facts are that sometimes they cannot get that because our city hospitals are full.

Mrs Vlahos interjecting:

Dr McFETRIDGE: Well, okay; let's look at the inpatient dashboards. The inpatient dashboards show that there is no room for any country patient to come to our city hospitals because they are all full. The Royal Adelaide Hospital at the moment has 570 beds occupied, with 15 patients waiting for a bed. I hope they are not country patients who are waiting for those beds. This was at 9.30 this morning. I am sure that if I looked at the dashboards now it would be worse than that. Let's look at country hospitals. Let's see what is happening at Port Pirie. Let's see what the Minister for Regional Development's hospital is like in Port Pirie this morning. Let's see—

Mr Pederick: Where is he?

Dr McFETRIDGE: Let's see—

Mr Pengilly: He's not in here.

Dr McFETRIDGE: No, no, no—

The DEPUTY SPEAKER: Order! There is a ruling about drawing attention to people being in the chamber or not being in the chamber, and I would ask for members not to interject.

Dr McFETRIDGE: I was not in this place last week because I was having some personal health issues sorted out, as I understand the minister is today, so all fairness to the minister. Everybody—

Members interjecting:

The DEPUTY SPEAKER: Order!

Dr McFETRIDGE: —in this place—

The DEPUTY SPEAKER: Order!

Dr McFETRIDGE: —particularly country members, because of the distances—

The DEPUTY SPEAKER: Order! Sit down!

Mrs Vlahos: It's inappropriate.

The DEPUTY SPEAKER: Everyone's behaviour is inappropriate at the moment. Let's have some decorum in the chamber. I ask the member for Morphett to remain on topic and members to not interject or respond to interjections.

Dr McFETRIDGE: Thank you, Deputy Speaker. I was speaking about the health of a country member, so I think it is country health. Let's go to Port Pirie regional hospital and see what that was like at 9.30 this morning. They had no patients waiting for beds, which is very good and which is the general case across South Australia, other than Mount Gambier, where there is a patient waiting for a bed, and Port Lincoln Hospital, where there is a patient still waiting for a bed.

Port Pirie regional hospital is in the red zone because they have, even with the beds flexed up, 51 beds, and 49 are occupied. Let's hope there is not a serious accident, illness or some other problem, because patients will have to be transferred to other hospitals. Country health in South Australia needs the full attention—the full attention—of this government, and I do not believe it has had that. This inquiry will help deal with that. If we have a health system that we can be proud of, we should not be afraid to inquire into it straightaway.

Let's go back to the elective surgery dashboards from this morning and look at country hospitals. I will list the country hospitals as they are listed here: Angaston, Bordertown, Crystal Brook, Clare, Ceduna, Gawler, Jamestown, Kangaroo Island, Loxton, Mount Barker, Murray Bridge, Millicent, Wallaroo, Port Augusta, Peterborough, Port Lincoln, Port Pirie, Renmark, Riverland, South Coast, Strathalbyn, Yorketown and Whyalla. They are the country hospitals and they are all listed. Fortunately for them, they do have some spare capacity this morning and their elective surgery list is under control. Port Pirie is struggling, but the others are under control.

If you have country patients in Adelaide and you want to free up beds in Adelaide, surely putting those patients in the closest hospital to their home is a reasonable thing to do. You cannot do that if you do not maintain the country health system. If those facilities are not up to scratch, if they are not up to standard, if they are not being staffed at adequate levels, that will not happen. If you have nothing to worry about with our country health system, then let's have the inquiry. Let's not push it off to a standing committee, which has many other jobs and many other inquiries. Let's have this inquiry, and let's look at the real impact of the cuts to health in this state by this government and the way they have neglected country health.

If you have nothing to be afraid of, stand up and deliver. Do it for South Australia, do it for country South Australians. Do not hide behind some other diversion, deception or deceit. We need the facts, and the facts are on the dashboards. I encourage every member in this place to familiarise themselves with the dashboards, because they are there in living colour. They show you the state of the health department and health services in South Australia. They are struggling, and this house deserves the respect of South Australians by getting on with our jobs and looking at inquiring into country health. This motion should be supported unamended.

Mr PICTON (Kaurna) (11:29): I will firstly address my remarks to the original motion from the member for Stuart, and I will deal with some of the other issues raised by the member for Morphett in a little while. I think that the member for Stuart comes into this place to bring this motion with absolutely good intentions in representing his community. I think that is why he is generally regarded as a good MP by many people and seen as a future leader of the opposition in this house. However, I very much do support the amendment that was moved by the member for Taylor, in that this is something that should be dealt with by the Social Development Committee, which is set up to inquire into issues such as this.

Members interjecting:

The DEPUTY SPEAKER: Order! It is pretty obvious I will have to listen to every single word this morning. I was just trying to read the actual words of your motion again to make sure I am ruling

correctly, and I cannot do that while you are all screaming at each other. I will now devote my entire attention to listening to this. Remembering that you have had a lot of leeway on your side, I will try to be as firm as possible. The member for Kaurna.

Mr PICTON: Thank you, Deputy Speaker. I tried not to respond to the interjections, but it seems that people opposite—

The DEPUTY SPEAKER: You must not.

Members interjecting:

The DEPUTY SPEAKER: Order! You are all as guilty—hands down. Off you go.

Mr PICTON: Thank you. I fundamentally support the amendment moved by the member for Taylor, because this is something that the Social Development Committee should be looking at. I think that an inquiry into country health is definitely a good thing for them to be considering in their program of work, and I would recommend that our colleagues in the other place consider it. I think it is worth, though, reflecting for a moment upon the process of reform to governance of country health over the past five or 10 years and how we got to where we are, which many people think is a fantastic improvement, while obviously there are some people who do not.

Previously, when we came to government, there were some 60 country health boards across South Australia that had complete running of all financial, human resources, and safety and quality systems in place. There were also eight regions that the previous Liberal government put in place on top of those country health boards, and then there was the country health and health department architecture on top of that.

We were completely overgoverned in terms of country healthcare arrangements, and it did lead to some disappointing situations in the management of country hospitals, where we saw some instances of financial mismanagement. We saw issues in terms of the safety and quality of health care being compromised in some country hospitals. We saw some frankly bizarre arrangements in terms of contracting and procurement in some of those country hospitals. We also saw some significant human resources issues in some of those country hospitals.

That is why the government moved the Health Care Act, which changed the governance of country health and created the health advisory councils, because we wanted to keep the voice of country people in those country hospitals, but to focus the energies on the things that those people generally wanted to be involved in, which were things like fundraising for their country hospitals, advocating for their particular communities and what services they wanted to have in their area, input into health service planning and input into the hiring of the managers of their hospitals.

They are the things that health advisory councils now do right across the state and I am very glad to see that they are going to be retained in the review of boards and committees that recently took place, because I think they have a strong role to play in terms of standing up for country people in the running of country hospitals.

If the Social Development Committee does look at this area, one thing that will be fundamentally apparent is the risk that is going to be in place from the federal cuts to health care.

Members interjecting:

Mr PICTON: We hear the usual wails of opposition to that from those opposite, but it is fundamentally clear that the system that was put in place by the previous federal government of implementing activity-based funding—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr PICTON: —for hospitals across the country was going to benefit country health care and benefit country hospitals.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Morphett had quite a lot of leeway. I am listening very carefully to what the member for Kaurna says. If he strays off as far as the member for Morphett did, I will bring him straight back.

Mr MARSHALL: Just for clarification here, your ruling says that the member for Morphett cannot speak about the Royal Adelaide Hospital, which is a primary piece of medical infrastructure servicing Country Health SA, but the member for Kaurna can stand up in the parliament and talk about federal government cuts to health as being relevant to country health. Is that your ruling?

The DEPUTY SPEAKER: No need to shout at me; I find that quite offensive. Sit down, and I will give you a ruling. I will give you a ruling alright. I cannot see that the point you are trying to raise has very much relevance in that the member for Morphett's tangential speaking on this vote is exactly the same as this tangential speaking.

Mr Marshall: But you made a ruling on it.

The DEPUTY SPEAKER: I asked him not to speak. He did continue to speak, and he stopped; that is fine. I said I am listening to the member for Kaurna and, if he strays off any further, you have options if you wish to exercise them. Member for Kaurna, remembering that I would ask you, as I have asked the member for Morphett, to stay relevant to the topic.

Mr PICTON: Thank you, Deputy Speaker. There is nothing more relevant to country hospitals than the scrapping of the federal healthcare agreement which is going to impact the funding for country hospitals in this state.

Mr PENGILLY: Point of order.

The DEPUTY SPEAKER: There is a point of order.

Mr PENGILLY: Relevance: it has got nothing to do with it.

The DEPUTY SPEAKER: Sit down.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr Pederick: Chuck them out, Deputy Speaker.

The DEPUTY SPEAKER: I will chuck you all out. We will continue to listen very closely to the member for Kaurna and ask him to remain on topic.

Mr PICTON: Thank you, Deputy Speaker. There is nothing more relevant to the running of country hospitals—

The DEPUTY SPEAKER: You have already said that.

Members interjecting:

The DEPUTY SPEAKER: Order! I don't need your help.

Mr Pederick: We are just trying to help him.

The DEPUTY SPEAKER: I will have to get out the book, that's it. We shall have to get the Speaker's list out and start naming people or calling them to order. I think it's really outrageous that your behaviour is so bad this morning. It is lucky there is no-one in the gallery, as usual. Alright, we will continue. Stay on topic.

Mr PICTON: Thank you, Deputy Speaker. As most members would know, most country hospitals are small. They deal with a small number of patients. We had an agreement for activity-based funding that had a carve out for country hospitals, for those hospitals that have a low number of patients, a low number of turnover, a low number of activity, to protect their funding, to make sure that their funding was going to increase and the federal government's share of that funding was going to increase over time—that no longer exists.

At the same time, the funding for city hospitals has been cut. What that means as a state is that, with only a certain pool of funding available to the state government, and the city hospitals'

demand continuing to go up and up, as the member for Morphett referred to, there is more pressure on country hospitals' funding because there is not that carve out of protection that was there under activity-based funding.

There is nothing more relevant to country hospitals than that carve out, which has been completely trashed by the federal government. I hope that the Social Development Committee can investigate that issue and look at what the impact upon country hospitals is going to be because that is of particular concern to people right across the state and should be of concern to this house. The member for Morphett also referred to the Royal Adelaide Hospital.

The DEPUTY SPEAKER: No need to refer to the member's remarks about the Royal Adelaide Hospital.

Mr PICTON: Okay. What I will say though is that I completely agree that many people from the country need to come to city hospitals to get care, and that has always happened. If you think that that did not happen under the previous government, then you are mistaken. What has happened recently is that we are actually investing in significant upgrades to country hospitals in Whyalla, in Port Lincoln, in Berri and in Mount Gambier to improve the care in those hospitals.

Members interjecting:

The DEPUTY SPEAKER: Have you finished your remarks? I am asking you to get back to the topic and—

An honourable member: Address your remarks through the Chair.

The DEPUTY SPEAKER: All of you could do that. Let's be reasonable about this. Keep on topic.

Mr PICTON: Thank you. Those upgrades to country hospitals across those four sites is something that this committee should look at to see the benefits that have been raised by those investments, many of which came from the federal government but also the state government. That means that more and more patients can get their treatment in country areas and do not have to come to the city for treatment.

We should also note that there has been a history of closing beds in country hospitals. Some 500 beds were closed between 1993 and 2002 across mainly country hospitals. Not all of them were necessarily bad decisions; some of them were conversions to aged-care beds. In rebuttal to some of the comments made by members opposite, I say that it is ridiculous to say that people have to come to the city because of changes this government has made. We are increasing the bed numbers in key country locations to make sure that care can be provided.

I support the Social Development Committee looking at this issue, but I hope that it takes a broad look at all the funding and all the investments which need to be made, as well as what are the key safeguards for finances, safety and quality, human resources and contracting which need to be in place.

Mr PEDERICK (Hammond) (11:40): I rise to speak to the motion by the member for Stuart, which states:

That this house establish a select committee to inquire into and report on—

1. The review by the Health Performance Council on the operations of the health advisory councils in accordance with the Health Care Act 2008.

2. The current provision and plans for future delivery of health services in regional South Australia, with particular reference to—

   (a) the role and responsibilities of health advisory councils and the benefits, or otherwise, of the removal of local hospital boards;

   (b) amalgamations of health advisory councils in regional South Australia;

   (c) trends in local community fundraising for medical equipment and services;

   (d) how funds currently and previously raised by local communities are held and spent, with particular regard to authorisation and decision-making;

(e) timing of provision of finalised operation budgets in country hospitals;

(f) ownership and transfer of property titles of country hospitals;

(g) the process and timing of the hiring of staff for new and existing positions;

(h) South Australian Ambulance Service arrangements, including the role of volunteers, fees and fundraising and the benefits, or otherwise, to local community events;

(i) scope of practice of general practitioners in country hospitals and the provision of accident and emergency care;

(j) procurement by Country Health SA and the benefits, or otherwise, to country communities;

(k) mandated fees to DPTI for management of maintenance and minor works;

(l) the benefits, or otherwise, of all rural and remote South Australia being classified as one primary health network within the federal health system;

(m) the implementation of EPAS in country hospitals;

(n) integrated mental health inpatient centres for regional South Australia; and

(o) any other relevant matters.

Certainly, I am a strong supporter of country hospitals. We have seen, over the years, many attempts by the Labor Party in this state to distance themselves from country health. We have seen the feigned outrage in this house today at this proposed inquiry by a select committee because the government is saying that they want the Social Development Committee to inquire into country health. Well, the Social Development Committee has had over three years to inquire into this.

I note that I am a newly elected member on the Social Development Committee, and I have made sure that that reference stays on the books so that we can get to it, but I am a realist. When we have discussed it at Social Development Committee meetings, the Presiding Member, the Hon. Gerry Kandelaars, has even made the point, 'This is a very political reference.' What has everyone to fear? We have the Presiding Member of the Social Development Committee not wanting to debate the issue. We have pushed up other new references since then; a new one was tabled in the house yesterday by the member for Reynell, which is quite a fine reference. But why are all these other references being pushed ahead of a reference that was put 3½ years ago?

We have seen all this feigned outrage from the Labor government about why the Social Development Committee will not look at country health, but I will give you the simple reason: because the comrades have all got together and decided that it is too dangerous to talk about. That is exactly what has happened. I do not know why they come in here feigning all this outrage when they would have had the meeting, all of the group. We know how it happens: they would all get together; and they have to vote according to one song sheet, especially the backbenchers.

I give credit to the backbenchers, such as the member for Ashford, who do speak out on some legislation. But when the comrades come to vote, they have to vote as one because that is how it works—and that is exactly how it works. They are embarrassed by our freedom of choice and our liberties and our true values as Liberal members on this side of the house.

Members interjecting:

The DEPUTY SPEAKER: Order! It is only Wednesday; this is Thursday behaviour. Let's do Wednesday behaviour and listen to each other in respectful silence, reminding members that it is unparliamentary to interject and worse so to respond.

Mr PEDERICK: What I say to members on the other side and members in the other house is that if they are so serious about country health and having this before the Social Development Committee, tell the member for Reynell, tell the member for Torrens and tell the Hon. Gerry Kandelaars; if that is where they want to go, that this has to happen. I do not think that is going to happen because they have had ample opportunity for over three years to do that, so I fully support the member for Stuart's reference to pushing this into a select committee.

Now I want to talk about the Royal Adelaide Hospital—and, before all the outrage sparks up from the other side, it is linked to country health. Why do you think it has a helicopter landing pad on

the roof? So that it can receive patients from country South Australia—the ones who have been involved in accidents or the ones who need high-needs care in a hurry—who need to be flown into the Royal Adelaide Hospital. It is just simple. Why do we have all these helicopter landing pads at places like the Murray Bridge hospital in my electorate and many other hospitals throughout the country?

Mrs Vlahos: The Lyell McEwin.

Mr PEDERICK: That's right. They can land at many of the metropolitan hospitals in South Australia, so there is that direct link for country health. What makes me so angry in this place is that long before I was here, about 25 years ago or so, there was a move by the Labor government of the time to shut down hospitals in my electorate. I remember protesting on the front steps of this place about the threat of Tailem Bend being shut down, and that was reignited in the years that John Hill was the minister for health. I just do not think that people in the Labor Party understand how it works in the bush.

We also had the debate about the Keith hospital and its funding. People who really understand the state and how it works, especially people who travel to Melbourne, for example, for footy finals—like last weekend for the preliminary final, when Port Adelaide put up such a valiant effort and, sadly, did not quite get across the line—

Members interjecting:

Mr PEDERICK: I will just say that at least we have a coach and we were in the prelim final.

Mr Whetstone interjecting:

Mr PEDERICK: That's it. All I am saying is that many thousands of people travel the Dukes Highway, and the Dukes Highway splits off 40 hectares of my farm on one side, so I live right there and see how it happens. In fact, I saw the police pull someone up for speeding right in front of me as I was coming out of the gate on Sunday. When things happen—

Mr Whetstone: A Labor voter.

Mr PEDERICK: Yes—we need those medical services to get us to the local hospitals or to get the Westpac helicopter or other rescue helicopters in to pick people up. I am well aware of actions in my community where there have been incidents and the helicopter has had to land either on farms in the paddocks or they have shut the road to get the helicopter on the site to get people on board so that they can get to Adelaide for the required treatment. That is an absolutely vital service, to have that link to the city.

We do need the absolutely vital health services in the bush. We have issues with staffing and we have issues with attracting doctors, getting international doctors up to speed so that they can operate in our country. That is fair enough; they need to have the right registration requirements, as we do not want to have an issue like Queensland did in Bundaberg. We need so much more of it because so many communities are crying out for better health services in the bush.

The former minister for health quite frankly scared me one day when he made a point in this house that there are even hospitals or surgeries in his electorate that could not attract enough doctors to service a suburban area. If that cannot happen, what happens in the country? Parts of my electorate that were formerly in my electorate, like Karoonda and Lameroo, know what it is like to have doctors who have to fill in from either Mannum or Loxton to keep up those vital health services.

I note that the medical services in the Mallee do a great job. They have tele facilities and the nurses are there on a Saturday, and I can quote an example. One of my sons had a bit of concussion one day at footy and the nurses did a great job and they were able to talk to the doctor in Loxton to get advice on what to do. These are absolutely vital links for our community and you have to have these health services in the country so you do not get all that rush on effect so everyone ends up in the city with the obvious social dislodgement of all the people who need to support the people who need those health services.

In closing, in the little time I have left, it is interesting when we want to go on an official visit of even our local hospitals we get shepherded around and we have the minders all around us. In the last couple of months I have had to go to local hospitals for various health reasons for my family and

we get to have a good look at what is going on. There needs to be more investment not just in infrastructure but also staffing levels and making sure that the right health professionals are attracted into regional areas. At the end of the day, the Labor Party must get serious and support this motion, because the Social Development Committee is just not going to get to it.

Mr HUGHES (Giles) (11:50): I actually commend the member for Stuart for this motion. There is much in it that I strongly support. I think it is valuable to have a look at a range of these issues but I believe that the Social Development Committee is the appropriate committee to look at these issues, and I believe it should do so in a timely fashion. I can understand the frustration that has been expressed by the member for Stuart. The committee, I believe, does need to treat this as a priority.

Many of these issues that have been canvassed have been canvassed with me as I move around the electorate, both in Whyalla and also in the smaller country communities. There are concerns about the health advisory councils. I met with some of the people from one of those councils in Hawker just recently and they were concerned about the future of the health advisory councils. I have a personal view that these councils are important and they do capture that local voluntary commitment. It is very important, and we do not want to lose that. We want to make sure that we have a framework in place that continues to cultivate that voluntary activity.

I have heard a number of things about country health today and it is almost as though it is all doom and gloom, but it is not all doom and gloom out there in country South Australia when it comes to the provision of health services. If anything, at a number of centres, the health services have improved, and they have improved out of sight.

I would admit that is in some of the larger centres but, if we were to go through and look at what has been spent in the recent few years, it is a huge amount. Admittedly, a lot of that money came from the federal government, but in partnership with the state and actively facilitated by the state and the state actively putting up how best the feds can spend their money in country South Australia.

I am not going to dwell on this but I would like to point out that a lot of those major expenditures on hospitals in regional South Australia were opposed by the then Liberal opposition at a federal level. For instance, the $69 million redevelopment of the Whyalla Hospital was opposed in Canberra by the federal opposition.

There has been major expenditure in Berri, Mount Gambier, Ceduna, Port Augusta and Port Lincoln. In Port Lincoln it was $30-odd million plus. I do not think the member for Flinders is going to be saying that is a terrible thing to do. That is a real improvement in health services in Port Lincoln in his electorate. I am particularly proud of what has happened in Whyalla, and if you look at what has happened that particular initiative was partly designed to reduce the need for people in Whyalla and surrounding areas to come to Adelaide for health services. However, there will always be reasons requiring people to come to Adelaide.

The member for Morphett quite rightly points out that the Royal Adelaide Hospital is the largest country hospital, and that is going to be very significantly improved with the new facility. It will be a good facility for country South Australians who have to come down—whether it is to the Royal Adelaide Hospital, The Queen Elizabeth Hospital or Flinders Medical Centre—and a lot of people do come down. Some members of my family have recently come down to the major hospitals in Adelaide.

The sorts of facilities and services that have now been put in place in Whyalla have been extensive. There are new mental health beds that did not exist in the past. Active negotiations are going on at the moment to secure a resident psychiatrist. That is something that has been as rare as hen's teeth in regional South Australia, despite the proportionally greater need when it comes to mental health services in regional South Australia. That will be a real plus.

The placing of an MRI machine at the Whyalla Hospital in January—the first MRI machine in regional South Australia—will service not just Whyalla but Port Augusta, Kimba, Cleve, Cowell and other people on Eyre Peninsula. That is a fantastic initiative. There are cancer treatment services now being provided in Whyalla. These were services that people would have to travel to Adelaide for

in the past. People can now have chemotherapy in Whyalla, as can people from Eyre Peninsula and in the north of the state. There has also been a significant increase in dialysis beds in both Port Augusta and Whyalla to serve the great need that exists there.

One of the great things about some of these redevelopments—and obviously I am really up on what is going on in Whyalla—is that there is now the opportunity for people from around the region to come to Whyalla with their families, if need be, and residential services are now provided for the people who come to visit Whyalla Hospital. These are incredibly important changes. Then, of course, there was the commitment by Labor at the last election to significantly increase funding for PATS. That will be implemented next year. That is yet another improvement in services. There has been a consolidation of the provision of services by some of the major hospitals which has reduced the need for country people to travel to Adelaide.

We continue to look after the smaller country hospitals that not only play an incredibly important medical role but also play an incredible social role in smaller regional communities, not the least of which is the fact that they are often significant employers in those regional communities. Accordingly, we have to look after those smaller country hospitals.

Health is always going to be an incredibly challenging portfolio with over $5 billion spent on health in this state, and that is going to increase. The projected cutbacks by the federal government are not going to help the situation, and that is why other state Liberal governments have been up in arms about the cuts. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (11:59): Obtained leave and introduced a bill for an act to amend the Burial and Cremation Act 2013; the Child Sex Offenders Registration Act 2006; the Criminal Law Consolidation Act 1935; the Criminal Law (Sentencing) Act 1988; the Legal Practitioners Act 1981; the Magistrates Act 1983; and the Summary Offences Act 1953. 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 Housing and Urban Development, Minister for Industrial Relations) (12:00): I move:

That this bill be now read a second time.

From time to time minor errors, omissions and other deficiencies are identified in legislation that are more efficiently dealt with in a single omnibus bill than in separate bills for each act. It is timely now to introduce such a further Attorney-General's portfolio bill. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The deficiencies proposed to be dealt with in this Bill are as follows:

1) Burial and Cremation Act 2013—signing of death certificates

During discussions with the Registrar of Births, Deaths and Marriages about the creation of new forms required under the *Burial and Cremation Act 2013* and the implementation of the legislation, it was discovered that there was an issue with section 10(5)(b)(i) of the Act. Under the previous Cremation Act, the Registrar could not issue a cremation permit unless the application was accompanied by certificates from two doctors (one of whom was responsible for the deceased's medical care immediately before death or examined the body of the deceased after death); or a certificate from a doctor who completed a post mortem certifying that the deceased died from natural causes; or an authorisation to dispose issued by the Coroner.

The wording of section 10(5)(b)(i) in the current Act states, in relation to the certificates from two doctors, that one of the certificates must be signed by a medical practitioner who was responsible for the deceased's medical care immediately before death with the other certificate being signed by another medical practitioner. This would have

created practical problems for the Registrar in relation to the issuing of a cremation permit if the treating doctor is unavailable as the Registrar would have to issue the cremation permit under section 10(6)(b) but would only be able to do so if satisfied that the death had been registered and that there is good reason why the documents required by subsection (5) cannot be produced, for example, if the treating doctor was away overseas. This would also impact on the person applying for the cremation permit as the cost of a permit issued under section 10(6)(b) is double that of the regular cremation permit. It may also result in a delay in the permit being issued.

To address this issue in the short-term, until an amendment to the Act could be made, a regulation was included in the Burial and Cremation Regulations 2014. Regulation 8 provides that where the medical practitioner who was responsible for the deceased's medical care before death is unavailable, the certificate may be signed by a medical practitioner who examined the body of the deceased after death. However, this matter is better dealt with in the Act and the Bill amends the Act to that effect.

2) Criminal Law Consolidation Act 1935—'child exploitation material'

The term 'child pornography' in the Criminal Law Consolidation Act (CLCA) has come under increasing criticism over recent years. Leading academics such as Professor Kate Warner and Dr Jeremy Prichard at the University of Tasmania rightly argue that the term is not only inappropriate, but is positively unhelpful, as it fails to reflect and even obscures the true nature and gravity of such material.

NSW, for example, discarded the term 'child pornography' in 2010. The NSW Premier commented: 'The Government supports this change in terminology. Child pornography is a form of child abuse and the community and the Government will not tolerate predators who engage in this type of behaviour.' The Chief Judge has expressed similar views based on his wide sentencing experience in this area.

It is proposed to amend the CLCA (and make consequential amendment to the *Child Sex Offenders Registration Act 2006*) to change the term 'child pornography' to 'child exploitation material' to more accurately reflect the true nature and gravity of such material. This change will accord the terminology to that which is used in most other jurisdictions and is widely used in operational practice. It will also support the operation of s 10(2)(c) of the *Criminal Law (Sentencing) Act 1988* that in determining the sentence for an offence, a court 'must give proper effect …in the case of an offence involving the sexual exploitation of a child, to the need to protect children by ensuring that paramount consideration is given to the need for general and personal deterrence.'

This amendment changes terminology only. It will not change the definition of such material or the scope of the offence.

3) Criminal Law (Sentencing) Act 1988—applicable law for re-sentencing for subsequent cooperation with law enforcement agency

Senior echelons in the South Australian Police and the Office of the DPP have brought to the attention of the Attorney-General the fact that there is an ambiguity in s 29E of the *Criminal Law (Sentencing) Act 1988*. Section 29E was enacted by the *Statutes Amendment (Serious and Organised Crime) Act 2012* and deals with the ability for an offender who is currently serving a sentence of imprisonment to apply to the court that imposed the sentence to re-sentence him or her to take into account the offender's cooperation with law enforcement or other authorities after the sentence was imposed. The policy behind the section is clear and obvious—to provide strong encouragement to those who find themselves in the harsh environs of prison to do what they should have done before and provide co-operation with the authorities in their investigation of crime committed by others, whether they be the crime for which the offender was sentenced or any other crime.

The effect of the provision is clearly expressed as a 're-sentence'. Here is the ambiguity. Does the court sentence the offender again according to the legal principles and regime under which he or she was originally sentenced in the past, or does the court start with a clean slate and re-sentence according to the legal principles and regime pertaining at the time of re-sentence? This question is given particular piquancy by the sentencing regime applicable to crimes of murder. There is now a 20 year minimum non-parole period for murder (subject, it is true, to exceptional circumstances that include cooperation). Suppose the offender was sentenced for murder before the 20 year minimum came into effect and received, say, 18 years non-parole. If the offender is to be re-sentenced according to the law then pertaining, he or she is looking at a substantial discount on the 18 years. But if it's a clean slate, the offender will be arguing for exceptional circumstances on a 20 year minimum.

The policy of the law is clear. The principle is and should be that the offender should be sentenced—and re-sentenced—according to the law and principles applicable at the time of the commission of the offence. The section is being redrafted to remove the ambiguity and make that clear.

4) Legal Practitioners Act 1981—notify of section 52AA(2) suspensions

Section 52AA of the *Legal Practitioners Act 1981* deals with professional indemnity insurance requirements of interstate legal practitioners and provides for suspension for failure to comply with those requirements. Section 52AA(4) requires the Supreme Court to give notice of suspensions under subsection 52AA(3) (of an incorporated legal practice) to interstate regulatory authorities. This provision should be amended to also refer to subsection (2) so that the Court is required to notify interstate regulatory authorities of suspensions of an interstate legal practitioner under that subsection. Although it is likely that the Court would give notice of such suspensions in any event, the provision should be amended to ensure that it is clear that they should do so.

5) Magistrates Act 1983—Acting Chief Magistrate

The aim of this proposal is to bring certainty to the Magistrates Court hierarchy in the prolonged absence of the Chief Magistrate.

In 2013 the District Court Act and Supreme Court Act were amended to provide for the appointment of an Acting Chief Justice or Acting Chief Judge, respectively.

Prior to that, a convention existed where the most senior judge available would take on the role and responsibilities of the Chief Justice or Chief Judge. Those recent amendments have provided certainty in times where a Chief Justice or Chief Judge is absent for extended periods of time.

At the time those changes were made, equivalent changes were not made to the Magistrates Act to provide for appointment of an Acting Chief Magistrate. Section 7 of the Magistrates Act contains the following provisions that allow the Deputy Chief Magistrate to exercise the powers and functions of the Chief Magistrate in the absence of the Chief Magistrate:

> *(2) The Deputy Chief Magistrate may, if the office of Chief Magistrate is vacant, or the Chief Magistrate is absent or unavailable to carry out the duties of the office, exercise any of the powers or functions of the Chief Magistrate.*

In the Government's view, this provision is adequate for certain short term absences, that is, where the Chief Magistrate may be absent from duty for a specified and limited period of time. However, to provide more certainty in circumstances where the absence of the Chief Magistrate may be indeterminable, it would be prudent to insert in the Magistrates Act an equivalent provision to section 10 of the Supreme Court Act and section 11AA of the District Court Act for the appointment of an Acting Chief Magistrate if the Chief Magistrate is absent or, for any reason, is unable for the time being to carry out the duties of the office.

It may be that the most appropriate appointment to act in the position of Chief Magistrate will be the Deputy Chief Magistrate. However, this will depend on a number of factors, including the workload in the Magistrates Court and the resources available.

6) Summary Offences Act 1953—temporary prohibited weapons class exemptions

The Bill amends section 21F of the Summary Offences Act to give the Minister the power to temporarily exempt a class of persons from the offence of possessing, using, manufacturing, selling, distributing, supplying or otherwise dealing in a prohibited weapon.

This amendment addresses a concern that there is no power in the Act to provide class exemptions on an urgent and limited basis. Although Schedule 2 of the Act contains a number of class exemptions, there may be circumstances that arise in the future that are not covered by these exemptions, such as a festival or an event. At present, if such a situation arises a regulation would need to be made to include a new class exemption. This amendment will give the Minister the power to quickly exempt a class of persons via notice in the Gazette from the offence for a period of up to 1 month to cover those situations where a permanent exemption is unnecessary or where an exemption is needed urgently and it is appropriate to grant a temporary exemption while the permanent exemption regulation is being prepared.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause is formal.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Burial and Cremation Act 2013*

4—Amendment of section 10—Cremation permits

Section 10(5) provides the certification requirements before the Registrar of Births, Deaths and Marriages can issue a cremation permit. Section 10(5)(b)(i) provides that in the case of certifying that the deceased died from natural causes, 1 certificate must be signed by the medical practitioner who was responsible for the deceased's medical care immediately before death. This clause amends section 10(5)(b)(i) to provide that a medical practitioner who has examined the body of the deceased after death may also provide 1 of the certificates certifying that the deceased died from natural causes.

Part 3—Amendment of *Child Sex Offenders Registration Act 2006*

5—Amendment of Schedule 1—Class 1 and 2 offences

The amendment replaces the term child pornography with child exploitation material.

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

6—Amendment of heading to Part 3 Division 11A

This amendment replaces the term child pornography with child exploitation material.

7—Amendment of section 62—Interpretation

This clause makes consequential amendments on replacing the term child pornography with child exploitation material. The amendments in subclauses (1) and (3) replace the term child pornography with child exploitation material. Subclause (2) amends the definition of child exploitation material to include a reference to material that is of a pornographic nature. The amendment in subclause (4) amends the definition of pornographic nature to include material intended or apparently intended to excite or gratify sexual interest or to excite or gratify a sadistic or other perverted interest in violence or cruelty. This part of the definition was previously included in the definition of child pornography.

8—Amendment of section 63—Production or dissemination of child exploitation material

This amendment replaces the term child pornography with child exploitation material.

9—Amendment of section 63A—Possession of child exploitation material

The amendment in subclause (1) replaces the term child pornography with child exploitation material. The amendment in subclause (2) inserts a reference to offences involving child exploitation material.

10—Amendment of section 63C—Material to which Division relates

This amendment is consequential on replacing the term child pornography with child exploitation material.

Part 5—Amendment of *Criminal Law (Sentencing) Act 1988*

11—Amendment of section 29E—Re-sentencing for subsequent cooperation with law enforcement agency

This clause amends section 29E to make it clear that a re-sentencing under the section is to be done in accordance with the law as at the time of the original sentence. The new provision applies to an application under section 29E, whether made or determined before or after the commencement of the amendment.

Part 6—Amendment of *Legal Practitioners Act 1981*

12—Amendment of section 52AA—Professional indemnity insurance required by interstate practitioners etc

Section 52AA(4) of the Act currently only refers to the Supreme Court giving notice of a suspension of a legal practitioner's right to practice as provided under subsection (3), but does not refer to the suspension of a right to practice of an interstate legal practitioner under subsection (2). This amendment removes the reference to subsection (3) and substitutes a reference to requires the Supreme Court to give notice of a suspension under either subsection.

Part 7—Amendment of *Magistrates Act 1983*

13—Insertion of section 6B

This clause inserts a new section.

6B—Acting Chief Magistrate

The new section provides for the Governor to appoint an Acting Chief Magistrate if the Chief Magistrate is absent or for any reason is unable to carry out the duties of the office, or if the office of the Chief Magistrate becomes vacant.

14—Amendment of section 7—Administration of magistracy

This amendment removes the provision providing that the Deputy Chief Magistrate may, if the Chief Magistrate is absent or unavailable to carry out the duties of the office, exercise any of the powers or functions of the Chief Magistrate. An Acting Chief Magistrate appointed by the Governor is to exercises these powers as provided in proposed section 6B.

Part 8—Amendment of *Summary Offences Act 1953*

15—Amendment of section 21F—Prohibited weapons

Subclause (1) amends section 21F(3) to give the Minister power to declare a class of persons to be exempt from the offences in section 21F(1). The amendment in subclause (2) is consequential on the insertion of proposed subsection (4b). Subclause (3) inserts new subsections (4a) and (4b). Proposed subsection (4a) provides that a declaration made by the Minister in respect of a class of persons must be notified in the Gazette, only has effect for

the period specified in the declaration (being a period not exceeding 1 month) and has effect despite provisions in Schedule 2, which contains a list of exempt persons of a class for the purposes of an offence against section 21F(1). Proposed subsection (4b) provides that a variation or revocation of a declaration under subsection (3) is of no effect unless, in the case of a person, the person has been given notice of the variation or revocation, or in the case of a variation or revocation in respect of a class of persons, it has been notified in the Gazette.

Debate adjourned on motion of Mr Pederick.

RETURN TO WORK BILL

Third Reading

Adjourned debate on third reading.

(Continued from 23 September 2014.)

Mr MARSHALL (Dunstan—Leader of the Opposition) (12:01): I think we have had sufficient debate in this house regarding the government's proposal for the Return to Work Bill. I say 'sufficient' because I think we have had many people in this house place on the record their thoughts regarding this bill but, in doing so, we have not in any way delayed the progress of this bill through this house. I gave this commitment on behalf of the Liberal opposition to the Premier in March and I have made that commitment to the government over an extended period of time.

We want to see relief for businesses in South Australia and a better system for workers in South Australia as urgently as possible, and that is why we plan to pass this complex piece of legislation through this house this morning, just over 24 hours after the government had introduced this bill.

Of course, it is my obligation on this side of the house to castigate the government for taking so long to bring this piece of legislation—this tardy piece of legislation—to the house. Not only did it take an extraordinarily long period of time but it was filled with a whole pile of errors that they themselves have had to correct with their dozens of pages of amendments they have given to the opposition just in the last couple of days. Nevertheless, we are here. We have a bill. We are going to see that progress through our house today to the other place.

In some instances, we have had to reserve our position regarding some of the late amendments put to us, but generally speaking we want to see progress. We have the worst WorkCover scheme in the entire nation, and I must say I appreciate the government's frankness in confirming that they find the current system completely and utterly unsatisfactory. We need to do something because business in South Australia is really struggling under the current regime and what we can do to improve it should be the focus for all members of this parliament, irrespective of which side of the house they sit on.

Can I just say that we do have a fair degree of scepticism on this side of the house because this is not the first time the government has proposed some reforms to this broken system. In fact, year after year we have ideas put forward, and some we have expressed grave concern over — in particular, moving to a monopoly claims agent, moving to a monopoly legal practice for legal matters. These are things we have raised concerns about.

With this bill we are optimistic. The Deputy Premier has assured the house that this will be different, and we look forward to this being different because we do need relief in this important area. I am delighted the opposition has acted in a responsible way to pass this legislation through the house today, but it also provided the scrutiny that was needed. I know this parliament sat until after 11 o'clock last night, because it is an important piece of legislation and we have to get it right. There will be further consideration in the other place, but with those concluding remarks I look forward to the vote in a few minutes' time.

The DEPUTY SPEAKER: The Chair definitely appreciated the cooperation of all members last evening in what I thought was excellent work on the bill.

The Hon. P. CAICA (Colton) (12:05): I rise to support the third reading of the bill, as you would expect me to do. I congratulate the Deputy Premier on his engagement with a significant majority of stakeholders on the bill to the extent that (although you do not want to count your chickens before they hatch) it appears, at this point in time, to at least have the support of the majority.

For most of my working life I have been involved, in some way or another, with WorkCover, with the Workers Rehabilitation and Compensation Act, with injured workers from my time as a firefighter and being their representative, to my brief time as the minister responsible for the then and still current legislation. The current legislation was introduced in 1986, and it was well founded and well intentioned, with the objective of a universal compensation and rehabilitation system that was meant to support injured workers to return to meaningful work—hopefully, in their pre-injury duties and role—and to provide proper support to those who could not return to that role.

I believe another benefit was to be an improvement in workplace health and safety, the identification through the system of those industries and workplaces where injuries were more common or prevalent and, in turn, to change or modify work practices to improve workplace safety to make the workplaces safer places for all workers.

We know that despite the, mostly, best endeavours of many, and despite the sound and well-meaning objectives, the system has, in the main, failed the very people it was established to help — injured workers. The very reason I am supporting this bill is because the system as it exists today has not fulfilled this objective. It is a system that is in desperate need of proper reform, a system that cannot be allowed to continue in its current form, to perpetuate its shortcomings and its previous failures.

What we have seen over the years is so many getting fat from the system that, at its very genesis, was meant to be for the welfare and wellbeing of workers at their workplace. I will not call them parasites on the system, but we have seen so many do so very well out of an industry that we created: lawyers, doctors, rehabilitation providers, return to work providers, case managers, the list goes on and on and on, all making a pretty good living but, in the main, not delivering what they were meant to deliver.

Yesterday the member for MacKillop quoted me from 2009, and what he quoted stands the test today as it did then, as it will tomorrow and as it will in the future: that is, ensuring that we have a system that is responsive to the needs of injured workers and that has, at its very core, the earliest possible intervention. That is one of the main thrusts of this particular bill.

I wish to finish off by making just a few comments. The very reason I entered politics was, through this role, to assist people in helping themselves, and to be part of a government that continually works towards creating a society that is fairer and better, a society that is a supportive and compassionate place for all, particularly our most vulnerable, marginalised and disadvantaged.

I am supporting the bill, as I already said, but I remain somewhat anxious about the bill. I acknowledge the comments of the leader with regard to his scepticism, and I do note the comments of the Deputy Premier yesterday that this time we are going to make a difference and we need to make a difference.

I trust that the obligations of those within the system who have failed in their obligations of the past will, under this bill, now be held to account, that what were once obligations that were expected will be replaced by stringent mandatory requirements, or guess what? If you do not meet those requirements, you are out the door.

I trust also that the comment that everyone will win or be better off with this reform package is fulfilled. I trust that injured workers will be better supported by a system and not be disadvantaged in and by the pursuit of lower premiums. There is now a greater responsibility, I believe, for all to improve the way we and each other do things. Their commitment to doing things must be more effective and result in a more effective system and everyone—the industries, the corporation, employers, unions, workers—is required to be part of making sure that this reform works.

While I remain anxious and even nervous and concerned about what the outcomes might be, I do want to highlight a couple of concerns, in particular the 30 per cent whole person impairment rating. Other concerns include how we handle the existing people, commonly referred to as 'the tail'—those people who have been within the system for 10, 15 or 20 years who, through no fault of their own, have not been provided with the support that was ever going to get them back to work. How we handle them will be critical, I think, and a reflection of us as a parliament that is responsible for the WorkCover Corporation.

I am concerned that some of the provisions may be a bit mean for workers and I will, as I know many of my colleagues will, closely monitor the implementation of the bill. It is essential that we not only monitor the implementation of this bill but hold those operating in the system to account. I trust that the system, as a result, will not benefit employers through reduction in their contributions at the expense of injured workers.

I commend the bill to the house, and I look forward to working with everyone involved with it to make sure that on this occasion we get it right. I congratulate the Attorney-General on his work to date.

Mr WILLIAMS (MacKillop) (12:12): It is not very often that I contribute to a third reading, but this is a bill that marks a fundamental change—I hope. One of the chief problems that has dogged our whole WorkCover injured worker compensation and rehabilitation scheme over the last 28 years of the existence of the current legislation has been denial and inaction by Labor governments. When we were last in government, we proposed a number of amendments, amendments which I believe would have seen the scheme work and which would not have been as draconian on injured workers' rights as some of the things we are seeing in this bill and we have discussed in the last 24 hours.

We have seen it year after year. As I said, the current legislation has been in operation for 28 years. For 20 of those years it has been administered by Labor governments. For the whole term of this current government it has been blatantly obvious that this scheme was not working, yet it was not until just on 12 months ago that the then minister in sheer frustration uttered those famous words, 'The scheme is buggered.' The scheme has been buggered from day one, that is the cold hard reality, but 28 years of denial and inaction have cost workers and employers in this state a hell of a lot. If we look closely at what has gone on in this state as a result of this sort of mismanagement, we start to come to part of the answer to why manufacturing business in this state has disappeared.

During the 28 years of the operation of this piece of legislation, manufacturing in this state has flown, and I will not go through and name all the major businesses and would not even start to talk about the minor operators that have disappeared. This state used to be a proud manufacturing state, and that business underpinned our economy, but the operation of WorkCover in this state is one of the major reasons we no longer have many thousands of South Australians employed in the manufacturing sector.

I find it rather interesting that the member for Colton would make the comments he has just made. The original legislation was well founded and well intentioned. The member for Colton had the privilege of being the minister responsible for that legislation and, as I pointed out last night, he recognised the importance of early return to work way back in 2009. It is only in the last few months that we have seen any real attempt by the Labor government to do something about it. It has gone on for far too long and, as I said yesterday, I sincerely hope that this piece of legislation, and the management under this minister and the current CEO of WorkCover, sees a significant turnaround that delivers real benefits to both injured workers and employers because that is what we need in this state.

The only other thing I would say is that I hope that the minister, in his remarks in a few minutes, will say something to the house along the lines of, 'Whilst I remain the minister, if these changes don't deliver what we have promised, I won't wait for 28 years to fix it. I will come straight back to the parliament and seek to fix it immediately,' because that is what we have not had over the last 28 years.

The Hon. S.W. KEY (Ashford) (12:17): I should start by saying that my view with regard to workers compensation, health and safety is that this should be a role for the government, so I do not support the privatisation, the contracting out or the breaking down of the services for injured workers. We should have a no-fault pension scheme, and I am still of that view. The rot really began when we started bringing in the insurance companies. There are some very good insurance companies, and also some very good people from the insurance industry, but their obligation is to their shareholders not to injured workers and not particularly to employers. So, there is a conflict before we start.

Having been involved (and maybe I am being a bit precious about the discussions that happened in the early 1980s because I was actually involved in those discussions and negotiations, admittedly as a more junior trade union member), the real emphasis was on return to work. As I

mentioned last night, it is interesting that this is called the Return to Work Bill. The issue of rehabilitation, training and retraining was certainly on the top of the agenda.

I was very sad that in the discussions we have had in the last few hours on this bill, other than being critical of rehabilitation (and certainly there is some criticism warranted), there does not seem to be any real emphasis on rehabilitation, training and retraining and people's vocational ability. I am really concerned that we will have a whole lot of injured workers in the future adding to the ones we have now, people with injuries and illnesses associated with their work, and basically there is no real emphasis on rehabilitation, training and retraining.

As a local member, many of the people who come in and see me about their workers compensation claim have issues to do with their case managers. If we are to have a new system, which it looks like everybody is supporting, then there needs to be some micromanagement looked at with regard to case managers. I have had constituents come in to see me who have been on WorkCover for, say, a year and they have had 10 case managers. They have had 10 case managers who do not have any particular background in the medical area.

These people, and I am sure there are some good ones but I only ever hear about the bad ones, make decisions about people's medical future, including whether they will have an operation or not or whether this operation is relevant to their WorkCover injury. Of course, there has to be some diligence and monitoring but to see the devastation as a result of that to injured workers and their families is very serious, in my view, and I hope the new system will address that really concerning issue.

I have had an opportunity, as an advocate, to work with case managers and people associated with WorkCover when it was a state government scheme and authority. I have also been able to compare that with the pre-1986 system where the insurance schemes were well and truly in dominance. Now, back to the future, I suppose, we had Employers Mutual for a while and now we have insurance schemes back into workers compensation as well, and I really do not think this has added to the system at all.

What I am really worried about is that we are going to have more and more people coming into our electorate offices who are in poverty because they cannot go back to work, for whatever reason, they are not eligible for the disability support pension, for whatever reason, and there are real problems in the household in trying to just live.

Recently, I had a constituent come into my electorate office who had a work injury that meant that his breathing, his respiratory system, was completely ruined—I was going to use an unparliamentary word, but anyway—so that he has real problems in breathing. Having watched my father die of emphysema, he had very similar symptoms, I have to say. He spends, through WorkCover, about $500 a month with regard to his pharmaceutical needs. He goes to see a psychologist twice a month. He has had about six operations in the last few years as well as going to see a specialist every two months.

What he is worried about is: what is going to happen to him when his two years are up (as of 1 July 2015)? Where is he going to go? He cannot work. What is his family going to do? He has four little children. What are they going to do? His wife is trying to keep ends together by working three jobs, but when the money goes, when the income goes, what is going to happen to him? I have had a discussion about this particular case and sent information to the Attorney-General because I am really worried about the future of this person, so I will be interested to see what the answer is.

Last night, we spent a lot of time talking about the misconduct of workers, and that is a reasonable thing for us to ensure, that workers do act appropriately while they are on workers compensation entitlements. I am just wondering what happens when employers do not behave, or other people in WorkCover do not behave. I am really hoping that, by transferring the WorkCover Ombudsman role to the state Ombudsman, there is going to be proper advocacy and support for workers, and maybe employers, who may not be able to have either an association or trade union representing them or a legal service that is available to them.

Again, I have inquired for different constituents about what their eligibility is for legal services and getting support from lawyers on either a no cost or a very low cost basis and it is very hard to

negotiate. Quite often, they do have to employ lawyers and they do have to pay fees. There was also a question that I did not ask last night, and probably should have, about what will be happening with regard to representation and fees for workers and employers in disputes and appeal issues. I think this was one of the questions that the Law Society raised in their submission, that there seemed to be some changes in that area, as well.

As I said last night, having spent nearly five years as the Presiding Member of the Occupational Safety, Rehabilitation and Compensation Committee—the committee that needs to change its name—I am really concerned that the return-to-work recommendations that we made, which I think were on the mild side of recommendations, basically have been ignored by the government, so I find that very disappointing.

Anyway, we have to soldier on and I will be supporting the passage of this bill. I am obliged as a Labor Party member to support this bill and I take that responsibility very seriously. Despite some of the comments that were made by the member for Heysen yesterday, most of us take these issues very seriously and, quite frankly, if we do not have the numbers to achieve a particular point of view or a political action, then we have to cope with that. In this particular bill, there are a few of us who would like to see an alternative workers compensation system or an improvement on the one that we already have. I will be supporting this bill, but with great reluctance.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:26): Before I sprinkle the Attorney with a light dusting of praise for one paragraph in the bill, I have a few comments to make about the contribution he makes to the rest of it, and that will have a slightly different flavour. Can I start with what we agree on. On this side of the house, we value the significance and importance of work, the opportunity for people to participate and its enormous, not just economic but personal value in terms of financial independence and all the things that flow from a person having the opportunity to be in employment, whether in fact that is paid, full-time, part-time, volunteer or the like.

We understand the significance of that, so the title of this bill being changed to 'return to work' as distinct from covering and supporting a provision under WorkCover is an advance. It is something that we value on this side of the house and we applaud. The scepticism, as highlighted by the leader in his contributions, arises not only from promises the government has made in improving the identified debacle arising out of the financial mismanagement of this fund that they have made over the past 12 years that I have been here but also the advances of amendments that are going to turn that around and remedy that have fallen hollow. Of course, that is why he points out to the house that we are sceptical.

I have some other concerns as well. They include the recent conduct of the government in supporting their federal colleagues in programs such as the pink batts installation and the shameful consequences of that and the occupational health and safety risk to parties and, more recently, the government's decision to refuse to provide a reverse of onus of entitlement in respect of claims for certain cancers for the CFS workers. Most shamefully, the pretence of the government last year that they cared about the catastrophically injured people on the roads and the importance of providing them with lifetime support, coupled with a promise of refund and reduced registration for motorists, was the icing under which sat a poisonous cake, and that was the enormous impact that that had on the rights of people in motor vehicle accidents to have claims and the extraordinary number who now are no longer covered at all and those who are left, in some cases, without any access to compensation.

The government's performance in the time I have been here in actually caring for people who are injured, whether they are on a road or whether they are on a building site, and now in respect of the time that they might need to be rehabilitated or retrained for the purpose of employment, I think has been shameful. I do have a level of scepticism, possibly even higher than the leader's, as to how effective these promises are going to be.

The government has also operated in an envelope of secrecy during the entire development of this debate. We on this side of the house do not get to see the bill until it is tabled in the parliament; other stakeholders do. We are not consulted on what should be contributed, other than the fact that like the rest of the public we got a glossy pamphlet of an issues paper last year and an announcement during the election. We are not told anything in respect of how that might develop into being an

effective reform for the purposes of making the whole process work and, of course, remain financially viable.

Possibly it will be a miracle if the government achieves what it set out to, but it will clearly be an enormous restriction to those who normally have access to support, both in the duration and the level of support that is given to injured workers, and of course the threshold or the test of compensability that will need to be achieved just to be able to get in the door.

We understand where the government is coming from in relation to reducing the pool, and the period for which somebody might get support, as being an effective means to reduce the total liability. However, it seems peculiar to me that self-insured operators and employers, and even some of the government's departments, have been able to manage WorkCover claims in an efficient manner for the purposes of being able to ensure that they retain a sustainable fund, and yet the government has comprehensively failed via the WorkCover Corporation in managing this scheme. I just find it inconsistent and the arguments presented inconceivable. However, some miracles do happen.

Finally, may I say in respect of the bonus scheme, where there may be a possibility of a refund being paid back to the levy payers, I support that. I think that would be an incentive for the employers to not only behave, provide safe employment places and the like, but I think it is scandalous that the government might use the profitability of a period of this fund as a means to transfer its obligation to support the very people it is going to cut off the fund to get back to work. That should be its responsibility and it is cost shifting that across at the expense of the levy payer. I think that is inequitable. It is unjust and I think that it is very sneaky of the government to try to pursue that.

Now let me address the one paragraph I do applaud the government on. It is clause 76 and it is the clause which provides for the retirement age to be linked with the federal social security definition. Obviously, in contemporary times, when there is an increase at the time at which one might be able to access pension entitlements, we need to change and so the government is right to introduce this into its legislation.

I place on the record my qualified praise of this, to the extent that I think the parliament here and state parliaments around the country must address the opportunity for mature-age people to continue in employment with reasonable support and protection under whatever workers compensation scheme we have, other than just medicals, which is the current state. This will allow there to be a movement with the federal retirement age being advanced in future years. However, it does not address the real issue and that is how do we enable people past the age of 60 or 65 to safely participate in employment—it may be part-time employment—and to be able to work longer, in the full knowledge that we are going to need to do that to meet our labour market requirements. We need to accommodate the increase in the pension age, as I have said, and we need to reduce the cost of ageing to our economy.

I might say that these topics are going to be the basis of a panel discussion at an October national meeting here in Adelaide. A convention will be held at our Convention Centre. It is the Leading Age Services Australia (LASA) national conference. I will be joining with Tony Jones and other eminent people such as Susan Ryan, a retired Labor minister from federal parliament, to deal with a number of these issues. I am proud to be part of that panel and I think it is important that we have that conversation because we need to address this.

What I have found in my lifetime in employment is that as one matures and sees older relatives or colleagues go into retirement, there is a cut-off and it is very important that we enable people past retirement age to be able to continue to participate, to remain financially independent as best they are able and to have opportunities for part-time employment but to have compensatable protection against the risk of injury in that workplace environment. Frankly, if we are ever to address the issue of a workforce, particularly in aged care, then we must address this issue.

It is incumbent, I think, on all state parliaments to get active in this space and to ensure that we make provision for that to occur. We already allow for people in such privileged positions as senior public servants and judges to continue in employment until age 70. In fact, the next bill we are about to consider will talk about making provision for the appointment of certain tribunal members to the

age of 70 years. This happens, but it is only available to an elite and small group in the community. We are going to have to address this issue eventually.

I congratulate the Attorney on clause 76 which will at least contemporise the movement for the purpose of pension, but understand this: it is about 10 per cent of what we need to deal with in this important area.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (12:36): I thank all the people who have participated in the debate so far. About 20 minutes ago I was struck with a terrible apprehension that the member for Bragg was going to be overcome by a sense of graciousness and statesmanship, but I need not have worried; she has retained her normal spirit of bonhomie where I get a slap for everything, although she did credit me with one section out of 202. So something like 0.5 of 1 per cent of the effort that I and those who I have been working with have put into this has been recognised and found approval from the member for Bragg—which is 0.5 of a per cent better than we do normally. We are normally 100 per cent wrong, and the notion that any gracious or statesmanlike remark should pass her lips is anathema. Anyway, that is thank you, member for Bragg, for that small sprinkling of praise.

I would like to say a few things very briefly. First of all, as I said, thank you to all the members who participated in the conversation. I particularly thank (although I am not thanking unequivocally) the opposition and particularly the Leader of the Opposition who has shown statesmanship in respect of this matter by recognising that it is a matter of importance to all South Australians.

Thus far, subject to what might happen in another place, I would like to extend my personal thanks to the Leader of the Opposition and all members of the opposition for the cooperative way in which they have engaged in this matter, albeit that some moments were turgid and lengthy. Never mind, turgid and lengthy is better than uncooperative, so that is good. I trust and I hope, Leader of the Opposition, that when this goes to the other place a similar prevailing attitude of perhaps turgid but ultimately cooperative behaviour manifests itself.

This has been an enormous piece of work, with which I have been involved since January of last year when I became Minister for Industrial Relations. I do not think there is anything I have done in the time I have been in parliament or the ministry that has been so time-consuming and so demanding in terms of the detail and the balancing acts that are required to take a very difficult and complex situation, start from the ground and try to build it up. It is a very big task.

In that context I would like to say a few thankyous. First of all, I would like to thank Mr McCarthy (or Greg as I call him occasionally) and his team, and in particular Trudy, who has spent an enormous amount of time working on this. She has done a magnificent job. Trudy, thank you very much. I would like to also thank my personal staff, in particular, Jim Watson, Stephen Pinches, Erin Sneath and Kim Eldridge, who have been absolutely fantastic. They have worked extraordinary hours and have lived and breathed this thing for nearly two years. I thank them all. I am not trying to count my chickens, Leader of the Opposition, but if I do not thank them now, I will not get a chance, perhaps, so I am doing it now.

I would also like to thank all of the employers with whom we have had engagements. They have almost universally been constructive and measured engagements and the people involved have behaved, I think, in a very responsible way in terms of the conversations I have had with them, so I say thank you to all of them.

Can I also say thank you to the trade unions and employee representatives with whom we have engaged. Again, they have been dealing with very complex and difficult issues from the perspective of their membership. They have shown enormous maturity and a sense of—I use the word again—statesmanship in seeing this in the big picture, rather than taking what in some instances might have been the easy way out, which is to be very secular and not worry about the broader consideration.

I would like to thank a number of lawyers. I will not name them because I do not want to embarrass them, but they know who they are. They have been helping put input into this matter and, quite frankly, from the look of the email, they continue to be helpful, right to this day it would seem. I say to those lawyers: thank you very much. These are people who know a lot about it. Some of the

comments coming from the more official legal channels, in particular the Law Society, are little more predictable and, consequently, a little less helpful but, nonetheless, I guess some of the things they have said have been worthwhile as well, although I am not sure I can put my mind to one of them presently.

I thank all of the members of parliament who have been involved in this matter. As I have said, to those opposite: my sincere wish is that when the matter comes to the other place, irrespective of what others might chuck in the air by way of chaff and confetti, the opposition continues the very constructive engagement it has had on this matter. I think the whole of South Australia will applaud the parliament for doing a good piece of work and they will also recognise that Her Majesty's Loyal Opposition is not always Her Majesty's loyal curmudgeon. When they see something which is actually beneficial to the community, they have the capacity to rise above the easy and the venal and actually become statesmen, and I congratulate them on that, assuming that is what you do, of course; and if you do not, I withdraw all those nice words.

The last point I want to make on this particular topic is this. Can I say to the WorkCover team, or the people who hopefully will soon be the return-to-work team, and to their leadership, Mr McCarthy down: if this bill passes, all of us—the opposition, the government and even perhaps the crossbenchers up there—are putting enormous faith in you. We are doing very hard policy work in this place, but we cannot manage the scheme. We can only set the rules. We can only set up the guidelines. We can only change the law. We cannot change how the scheme is administered and we cannot change how outcomes are delivered. That responsibility, if this passes, is going to be very heavily on the shoulders of that team.

I have said it before and I will say it again: I have very great confidence that Greg McCarthy and his team are just the people to deliver, but they need to know that the eyes of all of us, on both sides of this house, will be on the way they go about performing the tasks which the parliament, I believe, will soon be entrusting to them. I know that the Leader of the Opposition will be watching them, and I will be too. If they do a good job, as I expect they will, I think both the leader and I will be out there publicly applauding them, and, if they do not, we will be asking why. With those words, I trust that the bill will move swiftly through the rest of this place.

Bill read a third time and passed.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 August 2014.)

Mr MARSHALL (Dunstan—Leader of the Opposition) (12:45): I rise to speak on this bill and indicate to the house that I will be the lead speaker for Her Majesty's Loyal Opposition, but do not let anybody think that I am going to use up my allocation of unlimited time. I will get to the point because, as I said yesterday in this parliament, we need to get on with these reforms and move them through this parliament as soon as possible because businesses in South Australia continue to suffer each and every day if we do not fix the broken system which has existed for far too long in this state.

Yesterday and earlier today this parliament discussed the government's Return to Work Bill, and I am very pleased to say that it has enjoyed the full scrutiny of this house but has passed in almost record time for a bill of such great complexity. Of course, today we deal with the South Australian Employment Tribunal Bill and, if you like, this sits in a package with the government's Return to Work Bill as part of the overall agenda shared between the government and the opposition regarding reforms to the WorkCover system in South Australia.

I indicate that we have some reservations regarding this current bill, but that will not in any way delay the progress of the bill through this house and to the other place. We have some reservations simply because I do not think that the government to this point in time has really outlined a cogent argument for the establishment of this new tribunal.

Let's just look at this week's media from the government. Earlier in the week, they said that we need to cut through the bureaucracy which exists in South Australia. The said that we have to

get rid of more than 100 tribunals, boards and committees in South Australia and, less than 48 hours after the Premier has been out there talking about removing this bureaucracy, the government comes to this place and asks us to speak on a bill to establish another tribunal.

A tribunal currently exists. The Workers Compensation Tribunal sits currently within the Industrial Relations Commission, and I do not think that the government has mounted a sufficient argument for why it should be removed. I think what the government needs to do, certainly when we move to the committee stage, is explain fully to this place exactly what the differences will be between the existing Workers Compensation Tribunal and the proposed new South Australian employment tribunal. There does not seem even to be a lot of difference in the title.

I think they also need to mount an argument why this new tribunal—if it does need to be extricated from the Industrial Relations Commission in South Australia—should not immediately go into the South Australian civil and administrative tribunal. I will tell you the reason why: I think now we are the only jurisdiction in Australia that does not have a civil and administrative tribunal.

This was a reform which the government themselves put forward last year. It was supported expeditiously by the opposition and, as the Deputy Premier said, it is great that the opposition has seen that this is a good piece of legislation currently in the parliament (the Return to Work Bill), and supported it. That is always our case: if we see a good piece of legislation from the government, we will support it. The problem of course in recent times is that there has not been much good legislation coming forward. But the SACAT legislation was good legislation; like the Return to Work Bill, it was long overdue but, nevertheless, when it came we passed it. That umbrella legislation has been in place for an extended period of time. The other place is currently considering a piece of legislation to populate that new umbrella piece of legislation, the South Australian civil administration tribunal.

We believe that there is a very good case that if the Workers Compensation Tribunal is not in the right place in the Industrial Relations Commission it should move immediately to the SACAT. There is plenty of time—there is absolutely plenty of time. I have heard those opposite say, 'Well, ultimately that's potentially where it could end up.' If that is ultimately, potentially, where it could end up, let's just do it now. Why are we going through the rigmarole, the cost, the delay of moving one jurisdiction from the Industrial Relations Commission, establishing a new tribunal, if ultimately it belongs in the SACAT? We have plenty of time between now and 1 July next year.

I give my commitment to the Deputy Premier opposite and to this parliament that if the government wishes to move this into the SACAT we will do everything we can from a legislative perspective to support this happening. We will be raising questions during the committee regarding the appointment of the deputy presidents of this new tribunal, the length of time that they will serve, the methodology for the selection, and the involvement of the opposition in that selection process.

It is fair to say that, over the 12½ years of this sorry government, we have seen some unfortunate appointments to a range of boards, committees and tribunals over an extended period of time. We have been unhappy with those, and we would like the government's proper consideration for involvement of the opposition in those appointments, because they are very important appointments, and those appointments need to be considered carefully, not just jobs for the boys. They need to be people who will make sure that they discharge their obligations under the act once it is passed, and we would like to have an involvement in that.

I will not say anything further. I know that other members of the opposition would like to make a contribution at this second reading stage, but I look forward to the committee stage and teasing out some of the issues that I have already highlighted. It will pass this house. We reserve our position in the other place but, as we have previously said to the government, there will be no surprises in the other place and all of our discussions will be held in a respectful way because business needs relief and it needs that relief as early as possible.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:52): I rise to speak on the South Australian Employment Tribunal Bill 2014 introduced by the Attorney on 6 August 2014. It is a bill proposing the establishment of a tribunal with jurisdiction to review certain decisions that will arise from the return-to-work scheme, which is a new scheme to be established with the passage of the preceding bill. The government has pointed out that it needs to have a tribunal to deal with what is currently under the Workers Compensation Tribunal, that is, dealing with claims for workers

compensation under the Workers Rehabilitation and Compensation Act 1986. However, they claim that it is necessary to establish a new return to work scheme, requiring a fresh approach to the resolution of disputes arising under that scheme.

Accordingly, they then promote, under this bill, the establishment of an employment tribunal very similar, they say, to the South Australian Civil and Administrative Tribunal Act model, which is there to absorb multijurisdictions to deal with administrative decisions and reviews over a period of time; and that is underway. That act passed in 2013 as the umbrella legislation. We currently have before the other place a bill covering the first tranche of jurisdictions being considered to be transferred and to come into operation over forthcoming months.

The government, however, has chosen to establish a separate tribunal for this jurisdiction and not bring it under the same umbrella as the South Australian Civil and Administrative Tribunal (SACAT). They say publicly, in response to briefings and, in fact, during our earlier House of Assembly debates on the SACAT Bill, that it is necessary to establish a distinct and separate tribunal, even though it is to be of a similar model to the government's new SACAT proposal, because of the time frame of implementing this jurisdiction from 1 July 2015 with the passage of the new scheme. They say that that would place too much pressure on being able to transfer that jurisdiction over.

Let me say this: firstly, I do not accept that; and, secondly, the SACAT Act (as it now is) is almost word for word exactly the same model as is currently presented. There is a slight difference. For example, there is a hierarchy of presidents, deputy presidents, magistrates and the like, and there is provision for the inclusion of the appointment of assessors under the SACAT Act, who have a function, obviously at the administrative level, under that legislation. Under this bill currently before us, instead of having assessors, we have conciliation officers.

If any member were to take the time to have a look at the SACAT umbrella legislation and compare it with the bill we are currently considering, except for that, this bill before us is almost exactly word for word as per the tribunal. They will have the same model. They will have the same structure. They have the same powers to compel to give evidence, to enter land, to call for expert reports and the like—all exactly the same. It is the new model, the inquisitorial model, which the government promotes.

The other aspect is that, as members are probably well aware, our current specialist industrial court and commission, including the Workers Compensation Tribunal, and in fact a couple of other jurisdictions that have been added on in the time that I have been here, covering dust diseases, licensing court jurisdictions and the like all reside in one place just down the road here on North Terrace. Just as the Guardianship Board has discrete premises at the ABC building at Collinswood and the Residential Tenancies Tribunal is set up in Grenfell Street, they have a dedicated facility and they get on with their individual jurisdictions.

I mention those two jurisdictions because they are the current two under consideration by the parliament in another place now in that first tranche of jurisdictions to be dealt with. It is not intended that they have to be uprooted out of the ABC building or out of Grenfell Street, or if we were to move the industrial commission and courts from North Terrace, and move them all into some big massive premises. No, that is not intended at all.

Apart from the advertising of positions, which has already taken place for those jurisdictions—and the contract has been drawn up to reappoint a number of them—and the transfer of employment of the staff of those agencies, frankly, not much is to change come late October, which I think is still the anticipated date, where some or all of those jurisdictions will actually continue under SACAT. What will happen is that they will change the sign out the front of the Residential Tenancies Tribunal building, on the lift and as you go into the courtrooms. They will have a big, new, flash sign: 'South Australian Civil and Administrative Tribunal'. I put a plea in here: I hope they have the full name. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

Condolence

CREEDON, HON. C.W.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:01): I move:

That the House of Assembly expresses its deep regret at the death of the Hon. Mr Cecil William Creedon, former member of the Legislative Council, and places on record its appreciation of his long and meritorious service, and that as a mark of respect to his memory the sitting of the house be suspended until the ringing of the bells.

In August, I informed the house of the passing of the Hon. Cecil Creedon. Cec Creedon was a member of the Legislative Council from 10 March 1973 until 6 December 1985.

A Tasmanian native, Mr Creedon moved to the Gawler area where he raised his family and was very active in the local community. He ran a local dry-cleaning business and was associated with various sporting and community organisations in the Gawler area. Mr Creedon was also president of the Gawler Adult Education Centre. Mr Creedon put his passion for the local community to direct use, serving as a councillor on the Gawler council for eight years before serving as mayor for six.

Before being elected to the Legislative Council, Mr Creedon had run as a candidate for the council in the 1962 and 1968 elections—an optimistic proposition for a Labor member in the Playford era. At the time, the Liberal and Country League, as it was then known, held a significant majority in the upper house. Mr Creedon's election was the first time a Labor member had been able to win a Legislative Council seat outside the metropolitan area.

From his first moments in parliament, he made his passion for ensuring all South Australians were properly represented well known, calling for an end to the rule of property and wealth in the council. During his time in the Legislative Council, Mr Creedon was a member and acting chairperson of the Joint Committee on Subordinate Legislation and also a member of the Public Works Committee.

We should remember him as a man who, no matter his role or time in life, was always prepared to serve the people of the Gawler area. I express my sincere personal condolences to Mr Creedon's family, to Paul and John who are with us today, and to the house.

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:03): I would like to join with the government and express our condolences from this side of the house on the recent passing of Cecil Creedon, a member of the Parliament of South Australia from 1973 to 1985. Naturally, I did not know Mr Creedon, but I am reliably informed that he was a passionate local advocate for the people of his area—the area of Gawler. He served in the parliament in a quiet and dignified way. I join with the Premier in expressing our condolences to his friends and family. From all people on this side of the house, we support this motion from the Premier.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:04): I rise today to pay my humble tribute to the Hon. Cec Creedon, a former Gawler councillor, mayor and member of the Legislative Council. More importantly, I pay tribute to him as his friend.

The Hon. Cec Creedon passed away on 3 August, but his legacy will see him remembered as one of the key figures of public life in Gawler and the surrounding districts. Cec's example of community service, selflessness and dedication to the improvement of the life of those around him has certainly provided inspiration for my own public life. Cec was a different breed of politician, a product of his day in every way. He was the embodiment of post-war hope and enthusiasm. While it is clichéd to say that he was a champion for a fair go for all, he was not afraid to tread on toes to make positive change. He was a great dissenter, and his leadership will be missed in the town of Gawler.

While I met his son Paul at Gawler High School during the 1970s, I first met Cec in 1984, when I transferred my party membership from the Napier sub-branch to the Gawler sub-branch. I was fortunate to share with him and his late wife, Jessie, a great friendship for many years.

Cecil William Creedon was born in Westbury, Tasmania on 9 March 1922. The eldest of four children, he attended the local Catholic school until he was 14, when he left school to find work,

which was common for his time. Cec was a man of ambition and pragmatism. Recognising the power of a good education, he continued his schooling informally, with the help of the school nuns, on weekends.

On 20 May 1941, with Australia joining the world at war, 19-year-old Cec joined so many others of that great generation and enlisted in the services, in Cec's case, the RAAF. He served honourably throughout World War II in Melbourne, achieving the rank of corporal before being honourably discharged in 1946. On the surface, it would seem as though Cec's service went by unremarkably, but it was not the case at all. During this time, he met his future wife, Jessie, and the pair was inseparable from that time on, with Cec following his South Australian bride back to the great state of South Australia. The couple would go on to have two daughters and four sons, nine grandchildren and six great-grandchildren, which is a wonderful legacy in itself. His sons Paul and John, as the Premier mentioned, are in the gallery today.

While he would have many careers throughout his life, his commitment to the values of the labour movement were lifelong. I have been told that the seeds of his political ambition were sown by the story of two of his ancestors, who were both proud unionists in Tasmania and who died in mining disasters before Cecil was even born.

It is probably no surprise that he followed his father into the Australian Labor Party, joining in 1948, where his passion for community service grew. Like so many in days gone by, Cec made his first steps in public life by being elected to local government, winning the seat of Gawler South ward on the Gawler council in 1960. He served as a local councillor until 1968 and later as mayor from 1972 to 1978.

Cecil was a man of the people and, as the owner of a local dry-cleaning business, it was hard for him to be anything else. It is a testament to his place in the community that the people of Gawler would trust him with the keys to their town as well as their dirty laundry! He used the power of that position to full effect. Some of the policies Cec pursued during that time included measures to increase service delivery to poorer members of the community, such as his fight to expand public patient access to the Hutchinson hospital. As a former shopkeeper, Cec also fought hard for better vehicle access and parking in Gawler's central commercial district, located in and around Murray Street.

Significantly, though, Cec presided over a period of time when tension was at its highest between those who actively fought to preserve Gawler's character and those who were interested in the town growing, and the legacy we now have is a town that retains much of its character but still enjoys the convenience and employment that those major investors brought with them.

For me and for many others, he will be remembered as the first Labor representative outside metropolitan Adelaide to win a seat in the Legislative Council, in 1973, coincidentally at the same time as he was mayor of Gawler, which was allowed in those days. It was a major achievement, given the dominance of the Liberal and Country League vote in the region, and it was not an opportunity that was taken lightly by Cec.

His term in the other place was marked by controversy and, to my mind, bravery. He famously refused to take an oath of allegiance on a Bible, instead swearing to The Queen, although he would have preferred it to be Australia. He refused to wear formal dress to Government House for an official ceremony, instead choosing to wear an ordinary suit, such was his preference for pragmatic action rather than swanning about in deference to tradition. In comparison with the premier of the day and his love of safari suits and shorts, that was small fry, but a significant gesture nonetheless.

Of course, not everything he did was in harmony with the icons of the Dunstan era. He famously scuttled a key gay law reform bill when he failed to hear the bells calling for him to vote. Luckily for Cec, the bill was reintroduced and passed into law. He was also a man who did not like airs and graces. I delight in reading the story of Cec objecting to the prefix of 'Honourable' given to him on entering parliament. When he was told the title was compulsory, he simply climbed on a chair and prised the letters from above his office door. The maintenance staff finally gave up replacing them after he had prised them off a third and fourth time.

In his final speech in 1985, he spoke with pragmatism—more aptly, it could be described as brutal honesty—of his distaste for pomp and circumstance, saying that he felt 'a misfit' and 'bored to the extreme' with the formalities of parliamentary life, but he revelled in the pragmatism and bipartisan compromise of committees of which he was an active member. In his own words, he was a man who did not like to hear politicians ramble on in the chamber for the sake of their own voice, so in honour of Cec I will keep this brief. The people of Gawler have lost one of their true champions and I a friend.

The SPEAKER (14:11): Cec was not as quiet as the leader might have surmised: Cec could be a firebrand. The Hon. Cecil William Creedon was elected as a Labor member of the Legislative Council in the state general election of March 1973. He had been elected as mayor of Gawler a year earlier and was to serve as mayor of Gawler with his tenure as a member of parliament until 1978—those were the days.

Cec was to remain a Labor member of the other place until 6 December 1985. Cec had fought hard to win his seat in the Legislative Council and had run unsuccessfully before on two occasions during the 1960s. I am not absolutely certain, but I think when Cec won Midland Frank Blevins may have been his running mate at that time. Cec's victory took Labor Legislative Council numbers from four to six, reducing the Liberal and Country League numbers from 16 to 14, where they had been since the year dot. The LCL still had a strong majority, but it was the beginning of their decline in the other place.

A dry-cleaner by trade who owned a dry-cleaning business in Gawler, Cec was a robust advocate for the rights of working men and women, especially with regard to the importance of the family home. He used strong language in his maiden speech to rail against unscrupulous realtors who, Cec said, were often supported by unprincipled financial institutions, the predatory pricing and fees of which would often bring ill health as well as financial calamity on their clients.

Advocacy for the rights of consumers and the importance of protecting the family home were common themes of Cec's 13-year service to the State of South Australia. In September 1975, he protested against a decision of the South Australian Full Court that overturned a decision by the credit tribunal to allow customers of large stores to inspect their credit files. In 1976, he protested against reports that the Fraser government would close down the Australian Housing Corporation. Cec told parliament that the Housing Corporation provided bridging finance for homebuyers at low interest rates.

As you would expect from an MP who was also the mayor of Gawler, Cec had strong opinions on local government. He was a passionate supporter of the importance of implementing full adult franchise for local government, and we forget that at that time only people who owned property could vote. He was a strong believer in the benefits of adult education for all and was president of the Gawler Adult Education Centre for some years. Vale, Cec. I would ask members to rise in their place.

Motion carried by members standing in their places in silence.

The SPEAKER: The house will stand suspended until the ringing of the bells but, before it does so, could the security attendant in the strangers' gallery please bring me the camera of the person who has been taking photographs in violation of the house's rules and the dignity of the occasion.

Sitting suspended from 14:16 to 14:26.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament members of the Largs Bay Probus Club, who are guests of the member for Lee; I welcome students from Rostrevor College, who are guests of the member for Morialta; I welcome students from Muirden Senior College, who are guests of the member for Adelaide; and I also welcome Marion councillors Cheryl Connor and Carol Bouwens (who, I gather, are retiring at this election), guests of the member for Bright.

ANSWERS TABLED

The SPEAKER: I direct that the written answer to a question be distributed and printed in *Hansard*.

PAPERS

The following paper was laid on the table:

By the Speaker—

Employee Ombudsman—Annual Report 2013-2014 [Ordered to be published]

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:28): I bring up the eighth report of the committee.

Report received.

Mr ODENWALDER: I bring up the ninth report of the committee.

Report received and read.

Question Time

HOSPITAL WAITING TIMES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30): My question is to the Minister for Health. Can the minister advise whether a death at Noarlunga Hospital last week has been referred to the Coroner?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:30): I would have to get advice on that, but there is a procedure if a death occurs in a hospital within a certain period of time of someone presenting to that hospital, then it is automatically referred to the Coroner.

HOSPITAL WAITING TIMES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): A supplementary. Can the minister confirm that prior to the death of an elderly patient in Noarlunga Hospital last week, this patient was waiting six hours to be transferred to the Flinders Medical Centre, but the transfer did not occur because the Flinders Medical Centre was overcrowded?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:31): Without knowing the circumstances of the case, I cannot answer the question. I would have to get advice and report back to the house.

Mr Pisoni interjecting:

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

Mr Pisoni: Thank you, sir.

The SPEAKER: It's my pleasure.

HOSPITAL WAITING TIMES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:31): Is the minister confirming to the house that this matter has not been raised with him whatsoever?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:31): Not to my recollection, but many people die in our hospitals every day. I am not informed of every single death that happens in our hospitals. I don't recall a particular death at Noarlunga in the circumstances you are describing being brought to my attention. I would have to check and double-check, but I certainly don't recall.

HOSPITAL WAITING TIMES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32): A supplementary. Given that patients this morning were facing a four-hour wait at the Flinders emergency department, has the government changed its strategy in relation to transferring emergency patients to Flinders?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:32): Sorry. Say that again.

Mr MARSHALL: I am just saying, given that this morning patients were facing a four-hour wait for the emergency department at the Flinders Medical Centre, has the government changed its strategy in relation to transferring emergency patients to Flinders?

The Hon. J.J. SNELLING: Changed its strategy?

Mr Marshall: Well, it's overcrowded.

The Hon. J.J. SNELLING: Well, yes. The Leader of the Opposition is pointing out the obvious, and that is that our hospitals are very busy at the moment and, yes, sometimes people are going to have to wait. One thing that we are very good at in our emergency departments is seeing people reasonably quickly. People do get seen promptly by a doctor, particularly if they are in the higher triage categories. Of course, if people are on the lower triage categories, they will have to wait and sometimes they will have to wait a significant period of time. But people are clinically assessed by a triage nurse and the order in which they are seen is determined. Our hospitals are sometimes going to get very busy, and unfortunately that means sometimes there will be delays.

HOSPITAL WAITING TIMES

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33): Is the minister aware of any patient dying whilst waiting to be transferred to an emergency department in one of our major spine hospitals?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:33): There haven't been particular cases brought to my attention but, as I say, if the Leader of the Opposition has a particular example I am more than happy to look into it.

PUBLIC TRANSPORT

Ms WORTLEY (Torrens) (14:33): My question is to the Minister for Transport and Infrastructure. Can the minister advise the house on the state government's investment in public transport infrastructure and services?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:34): I thank the member for Torrens for her keen interest in public transport.

Mr Tarzia interjecting:

The Hon. S.C. MULLIGHAN: As a member of the north-eastern suburbs, she has been a keen supporter of public transport initiatives to improve access into the city.

The SPEAKER: Excuse me, minister. The member for Hartley thinks I can't hear him way back there. I can. He is called to order.

The Hon. S.C. MULLIGHAN: A modern and accessible public transport system provides South Australians with a safe, comfortable and affordable way of getting around. It is cleaner, more environmentally friendly and reduces congestion on our roads. That is why the state government has invested heavily to modernise and expand public transport services. In order to run a good public transport system, of course, you need modern rolling stock.

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is warned for the first time. He may be joining those who are celebrating the feast of his nativity earlier than he anticipates.

The Hon. S.C. MULLIGHAN: In order to run a good public transport system, of course, you need to invest in modern rolling stock. We have replaced the old red H-class trams with 21 modern climate controlled trams. They run on an extended tram service, first extended to the Adelaide Railway Station, and then subsequently extended to the Adelaide Entertainment Centre.

We have introduced into service eight new electric trains, with a further 14 to be delivered by the middle of next year, that will increase capacity across the whole of the rail network. These trains service the extended and electrified Noarlunga rail line, now running to Seaford, along with the spur line to Tonsley. We have not only—

Ms Chapman interjecting:

The Hon. S.C. MULLIGHAN: I am pleased to receive an interjection from the deputy leader. This is perhaps the first time there has ever been any interest displayed in public transport from her perspective. Not one election commitment, not one election policy. It is an absolutely extraordinary performance. When it comes to public transport the South Australian Liberal Party is the Simon and Garfunkel of policy development—a couple of releases in the 1960s and *The Sound of Silence* ever since.

Members interjecting:

Mr PISONI: Point of order.

The SPEAKER: The point of order is debate. I uphold the point of order. I did not quite catch the Simon and Garfunkel song.

The Hon. S.C. MULLIGHAN: I am reluctant to as it was *The Sound of Silence*.

The SPEAKER: Was there another other than *The Sound of Silence*?

The Hon. S.C. MULLIGHAN: No. Under this government we have added more train, tram and bus trips. We have extended the Adelaide Metro bus boundary to McLaren Flat, Angle Vale and Gawler where local residents have public bus services for the first time, and these are on top of the additional services on the tram line and on the Seaford line. We are cracking down on fare evasion and antisocial behaviour across the network.

Mr KNOLL: Point of order. I would have thought that after many days of this that maybe—

The SPEAKER: Just the point of order.

Mr KNOLL: Mr Speaker, infrastructuresa.gov.au clearly talks about rail revitalisation and every point that the minister has brought up so far has been contained in that release.

The SPEAKER: I value the work that the member for Schubert does for the house. I uphold his points of order whenever it is possible to do so, but I am not convinced, unless he can show me his computer screen by approaching me, not by flashing it at me as the member for Hartley did, the minister is reading word for word from a news release.

The Hon. S.C. MULLIGHAN: I am surprised, yet pleased, that my department would have noted the deputy leader's approach to public transport policy over the last—

Ms Chapman: They love it.

The Hon. S.C. MULLIGHAN: I think that must be the blank screen. All trains, trams and buses now have high quality CCTV coverage and there are 900 cameras in place—

Mr Tarzia: What was the last train you caught?

The Hon. S.C. MULLIGHAN: I catch the Outer Harbor line from the Largs Bay train station. I catch the 653, the 711 or the 723. And you? Oh, that's right, no interest whatsoever in public transport policy. It finally seems to be dawning on the members opposite the impact of the decisions they make in this place when it comes to investment in public transport policy. Absolutely no commitment whatsoever. Voting against the revenue streams and yet out there trying to claim credit for the announcements.

Mr GARDNER: Point of order.

The SPEAKER: Minister. If the point of order is going to be relevance or debate, it would be really good if the member for Hartley weren't goading the minister. There seems to be some mutual goading.

Mr GARDNER: In that case I will take a point of order that it is against standing orders to indulge in quarrels across the chamber.

The SPEAKER: Quite so. Minister.

The Hon. S.C. MULLIGHAN: The government is working hard to encourage more people to switch to public transport and reward those who continue to use public transport. We have introduced more affordable public transport across the system with the introduction of the Metrocard system and including a new 28-day unlimited travel pass making daily travel cheaper for regular users, cheaper public transport travel on Sundays and public holidays, and extended free travel for seniors to all times other than the morning and afternoon peak.

These are all measures a political party takes if they are interested in public transport and if they understand the benefits of improved infrastructure to its citizens and the community in which they live. In contrast, those opposite have no alternative policies and no alternative proposals for public transport. Under the previous government, commuters were deserting public transport, the system was unreliable, the tracks were warped, the signals failed and sleepers were left to rot in the ground.

Ms REDMOND: Point of order.

The SPEAKER: If the member for Heysen's point is that the member's time has expired, I propose to give him a minute time on because of the interruptions. Minister.

Ms REDMOND: In fact, it wasn't that the time had expired; it was that he was now debating by talking about what a previous government may have had as a policy.

The SPEAKER: Both sides seem to be enjoying this enormously. The minister has finished. The leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): My question is to the Minister for Health. Why is the Noarlunga Hospital emergency department data not available on the SA Health emergency data dashboard?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:41): Because there have been issues with collecting the data and we are trying to have that rectified, but at the moment the data is meaningless and it needs to be fixed. We are working on that and it will happen as quickly as possible.

Dr McFetridge interjecting:

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41): Is this failure to provide the adequate data anything to do with the implementation of the EPAS system at the Noarlunga Hospital?

Dr McFetridge: Absolutely.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:42): Yes, it is.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:42): Can the minister elaborate on what are the particular problems with the implementation of EPAS at the Noarlunga Hospital?

The SPEAKER: Before he does so, I call the member for Morphett to order for repeated interjections.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:42): Whatever the issues with the data collection, the fact is EPAS is doing great things in a number of measurables at the Noarlunga Hospital.

Dr McFetridge interjecting:

The Hon. J.J. SNELLING: For one thing we are seeing a significant reduction in the number of falls since the implementation of EPAS. EPAS has picked up a number of what otherwise would have been errors in medication that would have been given. I could go on and on about the wonderful things that EPAS has meant for the Noarlunga Hospital.

Members interjecting:

The Hon. J.J. SNELLING: Yes, there have been some teething issues in terms of being able to get data and put it on the dashboard but, given the benefits of EPAS at the Noarlunga Hospital, they are things I am willing to live with.

The SPEAKER: Before another supplementary is asked I warn the member for Morphett for the first time and I call the member for Mount Gambier to order.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:43): Can the minister assure the house that the rollout of the EPAS system to the Royal Adelaide Hospital will not deny patients access to information on the Royal Adelaide Hospital Emergency Department?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:43): Sorry, can I assure—sometimes the Leader of the Opposition's questions make very little sense at all.

Mr Marshall: That the rollout of the EPAS system to the Royal Adelaide Hospital will not deny patients access to information—

The Hon. J.J. SNELLING: Patients access?

Mr Marshall: Yes, well it is on the dashboard.

The SPEAKER: Could the minister be seated and the leader read the question again, perhaps in a more lucid way?

Mr MARSHALL: Absolutely. I think it is pretty obvious we are talking about EPAS, the dashboard failing at the Noarlunga Hospital, the minister not being aware of the fact that potentially a patient died while waiting six hours at the Noarlunga Hospital and then being transferred to another hospital.

The SPEAKER: Could you make it an interrogation rather than a statement?

Mr MARSHALL: Well, I think I have clarified the situation.

The SPEAKER: No, you have made an impromptu speech. Could you now phrase it as a question?

Mr MARSHALL: Yes, certainly. Can the minister assure the house that the rollout of the EPAS system to the Royal Adelaide Hospital will not deny patients access to the information on the Royal Adelaide Hospital Emergency Department?

The Hon. J.J. SNELLING: It's the problem, when the Leader of the Opposition gets other people to write his questions for him, he just doesn't understand, and it is quite clear that there is no-one on the opposition side of the house who understands anything about health. That's why they can't find someone down here who can be the health spokesman. What an embarrassment they are.

The SPEAKER: The minister—

The Hon. J.J. SNELLING: What an embarrassment you are. You don't even have—

The SPEAKER: I call the Minister for Health to order! Has the minister quite finished?

The Hon. J.J. SNELLING: Sir, I think what the Leader of the Opposition, if he properly understood the question and the issue, is trying to ask is: can I reassure the house that when EPAS is rolled out to the Royal Adelaide Hospital we won't have similar issues as we've seen at Noarlunga. I think that's what the Leader of the Opposition, or the person who wrote the question for him, was trying to get at. Maybe if the Leader of the Opposition spent a little bit of time before question time getting briefed on these issues he might make a little sense.

Ms Chapman: He is defying your ruling on that on that, sir.

The SPEAKER: I don't think I got around to making a ruling, but I think the minister's answer is finished.

The Hon. J.J. SNELLING: Sir, we will do everything to ensure that, in rolling out EPAS to the Royal Adelaide Hospital, we don't encounter similar problems. The fact is that in any IT rollout in any sector—public or private sector, health, banking, finance—of course there are always teething issues. This has been a teething issue with the Noarlunga Hospital in terms of our ability to get the data up onto the dashboard, and, no, I don't expect that we would see similar problems with the rollout of the Royal Adelaide because we have learnt a lot of lessons from the rollout to Noarlunga.

PUBLIC TRANSPORT

The Hon. P. CAICA (Colton) (14:46): My question is to the Treasurer. Treasurer, can you outline the government's commitment to funding world-class public transport infrastructure?

The SPEAKER: The Treasurer.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:47): Yes, sir, I'll bring the house back to a level of decorum that I generally like to have the house at.

Mr van Holst Pellekaan: The voice of reason.

The Hon. A. KOUTSANTONIS: I prefer to rise above the petty politics of members opposite. The government is fully committed to providing world-class public transport infrastructure. South Australia's public transport system has undergone a major overhaul to transform Adelaide's public transport network into a state-of-the-art, modern, sustainable system, providing faster, more frequent and efficient services for commuters.

The government has delivered a tramline extension to City West, which was completed in 2007. Members opposite opposed it. A tramline extension to the City West, to the Entertainment Centre and a park-and-ride, opened in March 2010, was opposed by members opposite. The South Road tramline overpass, completed in March 2010, is false infrastructure, members opposite say. We revitalised the Noarlunga (now Seaford) rail line, the Seaford rail extension. We purchased 66 brand-new electric railcars, and there are new car parks at Tonsley, Seaford Meadows and the Seaford interchange.

At the last election we committed to continue to build a better South Australia, and that is why our significant investment into the future has been designed to encourage and increase the use of public transport by providing more frequent, accessible, faster and better connected services. Projects like the $160 million O-Bahn extension from Hackney Road into the CBD—

Members interjecting:

The Hon. A. KOUTSANTONIS: —members are scoffing already—will take buses off one of the most heavily congested parts of our city, improving traffic flows and slashing travel times for commuters. This project alone will create 450 jobs, because we believe, unlike others, that the movement of people in and out of and around the city should be by public transport, because this government believes the CBD and Adelaide should be the heart of a vibrant state.

Not only will this state government continue investing in public transport, it will also invest in road infrastructure projects, projects members opposite call false economy. These are road infrastructure projects like the Torrens to Torrens project, which the Leader of the Opposition promised to cancel at the last election if he was elected Premier of South Australia, and the

Darlington upgrade, working with the commonwealth, something members opposite said we couldn't do. These upgrades create jobs, they improve the lives of South Australians and they boost productivity. It is not false economy. Let me be clear, Mr Speaker: the people of South Australia demand these projects. They want these projects and they want them to be delivered, and we want to govern for all South Australians.

WORK HEALTH AND SAFETY AUDITS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:50): My question is to the Minister for Health. Why is Noarlunga Hospital emergency department—sorry.

Members interjecting:

The SPEAKER: The Minister for Health and the Treasurer are both warned a first time.

Mr MARSHALL: My question is to the Minister for Health. How many work health and safety audits has the minister received from the Salaried Medical Officers Association this year?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:50): We will get a report.

Mr Whetstone interjecting:

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

WORK HEALTH AND SAFETY AUDITS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:50): A supplementary. Can the minister advise the house what response he has made to these audits, that he has just confirmed he has received.

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:51): I did not confirm anything. Again, he reads the question without referring to the previous answer. I did not say I had received any; I said I would get a report back to the house. I did not say I had received any at all. Steven, you cannot just read the question without paying attention to the previous answer. You cannot just read the script that someone else has put in front of you, Steven. You actually have to pay attention to the previous answer, otherwise—

Mr BELL: Point of order, Mr Speaker. The minister is referring to the Leader of the Opposition by his first name.

The SPEAKER: Yes; and I warn the Minister for Health for the second and final time. Before I call the minister, I call to order the deputy leader and the member for Mitchell. I do not think the minister is quite finished.

The Hon. J.J. SNELLING: Again, I will get a report back. I would have thought that normally work and safety reports would go to the department, they would not go directly to me. They would be provided to the department rather than straight to my office. I think it would be quite unusual for a work and safety audit to be sent straight to the minister's office; it would normally go to the department rather than to me. However, again, I am happy to get a report back for the Leader of the Opposition.

WORK HEALTH AND SAFETY AUDITS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:52): A supplementary question. Why did the minister tell the house yesterday that he had no information and that the department had no information about patients being accommodated in the morgue viewing room at the Royal Adelaide Hospital, given that this was clearly contained within the SASMOA audit report, which has received widespread media coverage in recent days?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:52): I make no apologies for the fact that we will treat people wherever it is safe to do so. Our hospitals have been incredibly crowded, and I would love to know what the opposition thinks is the answer to this. Does

the Leader of the Opposition think we should just turn people away from our emergency departments? The simple fact is that we will treat people wherever it is safe and appropriate to do so.

Ms Chapman interjecting:

The SPEAKER: The deputy leader is warned for the first time and the member for Morialta is called to order.

The Hon. J.J. SNELLING: We have been through a very busy six weeks, and I make no apologies for the fact that we will treat people where it is safe and appropriate to do so. That is my answer.

WORK HEALTH AND SAFETY AUDITS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:53): A supplementary, sir. Can the minister confirm that the morgue viewing area at the Royal Adelaide Hospital has been used as additional emergency department capacity for 18 months?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:53): No, I cannot confirm that.

WORK HEALTH AND SAFETY AUDITS

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:53): Can the minister confirm for how long the morgue viewing area has been used as an annex to the emergency department at the Royal Adelaide Hospital?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:54): For the last eight years there has been a pitched political battle in this state between—

Ms Chapman interjecting:

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

The Hon. J.J. SNELLING: —this side of the house and the other side of the house over the building a new Royal Adelaide Hospital; a pitched political battle, a street fight in fact, over the issue of whether we need a new hospital.

The SPEAKER: Minister, the member for Finniss has a point of order.

Mr PENGILLY: Sir, I ask you indeed whether the minister is not debating the question.

The SPEAKER: Well, no, I don't think he is. Minister.

The Hon. J.J. SNELLING: The opposition for the last eight years have consistently said, 'We do not need a new hospital. It's a waste of money to build a new hospital,' and that we should be doing a patch-up job on the existing hospital. If you need any reason why we need a new hospital and why the government took the step it did seven or eight years ago to build a new hospital, the last six weeks surely provide the answer.

Members interjecting:

The Hon. J.J. SNELLING: You can scream me down all you want, but South Australians see right through you.

Members interjecting:

The Hon. J.J. SNELLING: South Australians see right through you. They see right through the—

The SPEAKER: Minister, I am not screaming you down, and I don't think the public of South Australia can see through me.

The Hon. J.J. SNELLING: I apologise, sir. They see right through the opposition and, in particular, the Leader of the Opposition, who has opposed for the last seven years the building of a

new hospital and now has the gall to come in and criticise the government for the size of the existing emergency department, having consistently opposed the building of a new hospital with a larger emergency department. The Leader of the Opposition can't get through question time just reading a script someone else has provided to him and then trying to scream me down whenever I provide the answer.

Mr GARDNER: Point of order, sir.

The SPEAKER: Member for Morialta.

Mr GARDNER: The minister has been abusing this process for the last 15 years. He is clearly debating and should be ruled as so.

The SPEAKER: I think the difference between the government and the opposition on the Royal Adelaide Hospital is a legitimate point of difference that can be canvassed when the topic is about the capacity of the old hospital, and to make that a point of order is fragile. Minister.

The Hon. J.J. SNELLING: The Leader of the Opposition can't come in here complaining with his crocodile tears about issues of capacity of the emergency department and at the same time be implacably opposed to building the new Royal Adelaide Hospital, which is going to have a bigger emergency department—a much bigger emergency department—to address exactly these issues.

Mr Marshall interjecting:

The Hon. J.J. SNELLING: You can scream me down. I know that's your style, but the public of South Australia are sick of the Leader of the Opposition trying to scream people down. They can see through the Leader of the Opposition; they can see through his double standards.

The SPEAKER: I think the minister has said quite enough, and I hope that anticipates the member for Unley's point of order.

Mr PISONI: I was just concerned that the Minister for Health said that the public was sick of you, sir. I just wanted to ask the minister to withdraw.

The SPEAKER: After 25 years, they are entitled to be. The member for Ashford.

ADELAIDE CITY INVESTMENT

The Hon. S.W. KEY (Ashford) (14:58): My question is directed to the Minister for Planning. Minister, how is the development of Adelaide as the heart of our vibrant state progressing along with the government's commitment to this strategy?

The Hon. J.J. Snelling interjecting:

The SPEAKER: Before the Deputy Premier starts, if I hear the Minister for Health's lips move out of order he will be departing the chamber to celebrate the member for Hartley's birthday. Deputy Premier.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (14:58): Thank you very much, Mr Speaker, and I thank the honourable member for her question. The government is committed to continuing to build Adelaide as the heart of a vibrant state, and our strategy focuses—

The SPEAKER: That's got to be on a website somewhere.

The Hon. J.R. RAU: The clock is against you. You can phone a friend. Mr Speaker, as I was saying—I know you are interested even if some others aren't—our strategy focuses on investing in key infrastructure and enacting reform, particularly planning and licensing reform, to help stimulate private investment. The point of these initiatives is to create new and better places for people. We want more people to be attracted to the city as a great place to live, to work and to enjoy. That is why it is of critical importance that we have a well-supported, fast and efficient public transport system to bring people to the city with a minimum of fuss and to take them home safely after a day's work or a great experience.

A more vibrant Adelaide, with more people living closer to the city centre, builds a critical mass that makes public transport more cost-effective, and with this comes greater frequency and greater efficiency. It is what you call a 'virtuous circle': one good thing leads to another, it just goes round and round and gets better and better and better. We want to build a city centre where people can choose to live without having to own a car, and part of this is having greater focus on mixed-use living in the central business district, where people can live close to their work and have all the recreational options they need nearby.

Also, we need to realise that this ambition is not for everyone. That is why it is of vital importance that we also continue to improve our public transport system so that more people have the opportunity to experience and enjoy all that we are building here in Adelaide. People are the key to any city, and moving them quickly, safely and efficiently from where they live to where they want to work and where they want to enjoy their leisure time is of vital importance. This is why public transport is an important part of building a more vibrant Adelaide. One would think that no-one wants to live in a city stuck in gridlock and, of course, who would want to be stuck in that? There are massive costs to efficiency and enjoyment.

It is occasionally the case that I have seen that opportunists and cynics have been celebrating moves that hurt public transport funding, making it harder for people across Adelaide to enjoy all the city has to offer. This is terrible. Public transport is a key element to making the city accessible and appealing to people. Moves that reduce funding to public transport might cheer up the cynics and opportunists, but they are bad for the people and they are bad for our vibrant city.

Mr Whetstone interjecting:

Mr WILLIAMS: Supplementary question, sir.

The SPEAKER: The member for Chaffey is warned for the first time. Supplementary, member for MacKillop.

ADELAIDE CITY INVESTMENT

Mr WILLIAMS (MacKillop) (15:02): Supplementary to the minister: when is he going to announce a project whereby the government will lead by example by getting rid of the ministerial car fleet?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:02): If the opposition has a policy of removing ministerial vehicles, they should announce it.

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: I see. What is happening now is the former deputy leader of the opposition has just announced that he doesn't want to have ministerial vehicles, yet members on the front bench are silent.

Mr Williams interjecting:

The Hon. A. KOUTSANTONIS: I see.

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

The Hon. A. KOUTSANTONIS: No, sir; he's doing God's work. If it's not submarines, it's Liberal Party policy on the run. If we didn't have you, we would have to invent you.

PARK-AND-RIDE FACILITIES

Ms BEDFORD (Florey) (15:03): My question is to the Minister for Transport and Infrastructure. Can the minister update the house on the state government's investment in park-and-ride facilities across our state network, particularly in my electorate of Florey?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (15:03): How topical, Mr Speaker. Thank you to the member for Florey for her keen

interest in this important area of investment. I do answer the question, I have to say, with mixed emotions because, while we have had significant success in these programs in the past, we are not 100 per cent sure how successful we can be into the future—

Mr Tarzia interjecting:

The Hon. S.C. MULLIGHAN: —particularly not in Paradise. What an excellent interjection from the member for Hartley. What a wonderful birthday he is having!

An honourable member: His best ever.

The Hon. S.C. MULLIGHAN: His best ever, that's right. His cup runneth over. Just last week, we celebrated the official opening of the Dumas Street park-and-ride with the Mayor from the District Council of Mount Barker Anne Ferguson and, of course, my good friend the member for Kavel up there as part of another productive country cabinet meeting, this time in the Hills. Local residents from Mount Barker all the way to Strathalbyn and Murray Bridge have already hailed this investment—

Mr Bell interjecting:

The SPEAKER: The member for Mount Gambier is warned.

The Hon. S.C. MULLIGHAN: —as a huge success. Constituents of the member for Kavel—

Ms Redmond interjecting:

The Hon. S.C. MULLIGHAN: —even the member for Heysen. Was that you slandering someone?

Members interjecting:

The Hon. S.C. MULLIGHAN: You were talking to someone, not just yourself? Okay, no worries. We have had tremendous success with these park-and-rides, particularly the one in Mount Barker: it has been filled to two-thirds its capacity. For townships outside of Adelaide, infrastructure that promotes public transport use and connects communities is absolutely vital. Park-and-rides have proven themselves to be an efficient approach to encouraging more patronage throughout our public transport network. By providing a safe and reliable transport point onto Adelaide Metro services from private vehicles, we reduce the need for busy commuters to choose between a car or a bus, train or tram.

We recognised the benefits of this transport infrastructure to local communities and that is why at the last election we outlined a raft of policies to improve our public transport network. Part of our public transport strategy has been to increase these park-and-ride spaces across the established network, building on this continued success. As the house would be aware, this government successfully added over 5,300 parking spaces to key parts of our network since 2002. That is at least 5,300 commuters saving time and money without having to drive and park in the city.

Mr Marshall interjecting:

The Hon. S.C. MULLIGHAN: Apparently improved public transport is a socialist measure. Is that something you are interested in—social issues now, is it—Leader of the Opposition? Finally you are interested in health issues, you are finally interested in public transport—the revelation! Only six months and nine days after the election, you are finally interested in social issues. What a revelation this day has been for the Leader of the Opposition—what a revelation! For the benefit of those opposite, from the latest counts, the site of the Paradise interchange is regularly exceeding capacity, with a proposed upgrade and extension now at risk—

Mr Tarzia interjecting:

The Hon. S.C. MULLIGHAN: —because of the decisions made by those opposite.

The SPEAKER: The member for Hartley is warned for the second and final time. I mean it.

The Hon. S.C. MULLIGHAN: Our site at Tea Tree Plaza in Modbury, a popular destination for north-eastern commuters catching O-Bahn services, is regularly filling to 90 per cent capacity.

Further down the O-Bahn track, at Klemzig, it is also regularly full during peak periods, showing the overwhelming popularity of the recent investment by the state Labor government.

Our investment continued with the expansions of two of our busiest park-and-ride locations at Smithfield and Noarlunga, opened last week. With over 680 spaces collectively, these two sites meet growing demand along our two most popular rail lines. Although our hands have been potentially somewhat tied by decisions taken in recent times, these are still incredibly important pieces of public transport infrastructure, and I am very glad to report their progress and success to the house.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:08): My question is to the Minister for Education and Child Development. Can the minister advise if there were tier 2 notifications and, if so, how many were made to the Child Abuse Report Line in the case of Chloe Valentine that were not investigated?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:08): I thank the member for Adelaide for her question. The situation around Chloe Valentine has been the subject of a criminal trial and I am pleased to say that those people who are responsible for the death of that little girl are now behind bars. I think all South Australians were shocked and horrified that a little one died in the circumstances that she died in. It is now the subject of a coronial inquest. My department is assisting the Coroner in any way that is requested by the Coroner, so all the matters in relation to Chloe Valentine will be looked at by the Coroner.

I think it has been said publicly on a number of occasions that there were notifications about Chloe Valentine but, as the Premier said yesterday, it is incorrect to think that there were not responses and supports provided for that family. I think the judge in the criminal trial even made the comment that there were many government and non-government supports put in place for that little girl and her mother.

Ms Chapman: So what's the answer to the question?

The SPEAKER: The deputy leader is very close to leaving. Member for Adelaide.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:10): Supplementary. Why did the minister state yesterday that not all tier 2 reports to the Child Abuse Report Line are investigated, given that the Legal Services Commission of South Australia website advises that tier 2 reports do require investigation?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:10): One of the reasons is that sometimes a tier 2 notification may have already been made. There could be the same sort of notification made about the same child by numerous people. It could be that a tier 2 notification was referred on to SAPOL, if it is a criminal matter. It could be that the best response is to engage the services of a non-government organisation rather than conduct an investigation. It depends entirely on the content of that notification.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:11): My question is to the Minister for Education and Child Development. In relation to the case of baby Ebony, who was found dead in her Brooklyn Park home in November 2011, a week after her death, can the minister advise how many notifications were made to Families SA and what tier levels they were?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:11): I will take that question on notice.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:11): Supplementary. How can the government be certain that there are not other tier 2 reports of child neglect and abuse that warrant investigation but are not being followed up—for other children like Chloe and Ebony who are in the system?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:11): No child protection system can investigate every notification that comes in, and I think I said

yesterday we have something like 19,000 notifications. We have in excess of tens of thousands of calls but 19,000 that are screened in.

South Australia investigates more notifications than many of the other states. We certainly investigate more than Victoria, I think we investigate more than Tasmania, and the list goes on. You cannot do every one. Some of them, as I said, are multiple notifications and some of them are best addressed by engaging with other organisations. It is not supposed to be a punitive system. It is supposed to be about engaging with families. That is why we have invested in the many, many different support mechanisms that we have invested in.

For example, when we came into government, there were no universal contact visits. We now have every mother visited when she has a newborn child. There was no family home visiting program, which is a sustained home visiting program. We had no safe babies program. We had no children's centres here in South Australia and we now have 41 that run parenting programs and have appropriate programs for the communities that they look after.

There was no Strong Start program, there was no Guardian for Children and Young People, there was no Council for the Care of Children, there was no Child Death and Serious Injury Review Committee, and we had half the number of childcare and protection workers here in South Australia and I think we have trebled the budget since we have been in government. No-one can guarantee that every notification that is screened in will be investigated. It is just not possible.

The SPEAKER: Supplementary, member for Davenport.

CHILD PROTECTION

The Hon. I.F. EVANS (Davenport) (15:14): Does the department have a protocol that, where there are multiple reportings from the one address or about the same child, that gets given priority for investigation? If not, why not?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:14): That would depend on the nature of the notification. But, yes, when I was minister previously there was a protocol that I asked to be put in place so that, if there were high level tier notifications, they would not be treated as individual but assessed collectively. In Chloe Valentine's case it is incorrect to assert that there were not supports in place for that family. There were.

CHILD PROTECTION

Ms SANDERSON (Adelaide) (15:14): A supplementary. How does the government determine which tier 2 notifications warrant investigation and which don't?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:15): The government does not determine that. We have trained social workers who take the calls over the Child Abuse Report Line and give them a tier rating, they are then sent out to the district officers and they are the ones who assess the priority of those particular notifications.

FAMILIES SA STAFFING

Ms SANDERSON (Adelaide) (15:15): Again, my question is to the Minister for Education and Child Development. Can the minister confirm that none of the 307 full-time equivalent reductions to her department over the forward estimates will come from Families SA?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:15): We are actually in the process of employing an additional 180 workers for Families SA.

FAMILIES SA STAFFING

Ms SANDERSON (Adelaide) (15:16): A supplementary. Can the minister confirm that if Families SA staff are increasing, the education section of DECD will face cuts of more than 307 FTEs as advised by Mr Harrison to the Budget and Finance Committee?

The Hon. J.M. RANKINE (Wright—Minister for Education and Child Development) (15:16): The Department for Education and Child Development is required to make savings the same as other departments are making, but what we won't be doing is slashing something like 25,000 public servants which was the policy of your party just a very short time ago.

POLICE DISCIPLINARY TRIBUNAL

Mr GARDNER (Morialta) (15:16): My question is to the Minister for Police. What mechanism will replace the functions of the Police Disciplinary Tribunal when it is abolished?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (15:16): I am grateful for the question because it actually raises a very important issue, and that is about probably two or more years ago, if I remember correctly, the minister for police—who at that time was known to us simply as the member, our parliamentary secretary—undertook a very lengthy—

Mr BELL: Point of order, Mr Speaker. There is no clock and knowing the minister's words, it could go for 14 minutes, sir.

The SPEAKER: Thank you. Our mistake.

The Hon. J.R. RAU: I will assume that was an indirect allusion to me having some similarities with the member for Bragg, and I accept that from that side as a compliment. A while ago the minister undertook a piece of work leading up to the eventual passage last year of legislation to establish a civil and administrative tribunal, which I think everyone in the parliament has agreed is a good idea. That legislation was at the time explained to everybody as being a piece of legislation that would establish a framework, an architecture, and that would eventually be populated over time with different waves of jurisdiction.

The idea was that the first of those waves, which is presently a matter which is going on here, would involve the Guardianship Board and the Residential Tenancies Tribunal. For various reasons that I may or may not be permitted to entertain at the moment, that appears to be stuck in the mud, so conversations about the immediate future of the SACAT have become complicated because of a peculiar coalition of members of the opposition and the crossbenchers.

Members interjecting:

The Hon. J.R. RAU: The interjections are foolish because not only are they out of order but it is a well-known fact to anyone with many fingers and toes that the government does not have a majority of people in the other place, so what goes on in there is actually something over which we have no control.

As to the question about boards and committees, the background to that matter is the Premier made it clear some time ago that the government thought it was appropriate for us to go through a thorough review of boards and committees and to ascertain a number of things. The first of those things was: do we need this at all? The second one was: if it is performing some useful function, need that function be performed by a committee? Could it be performed by some other entity or merged into another entity? Then there are questions of redundancy and various other things.

Further to that, the Premier earlier this week released a document. The document was put out there so that there could be an informed public conversation about matters relating to boards, committees and such like, and there are a number of propositions contained within that. I think the Premier has made it clear that he is inviting the public to have a look at that—the opposition too for that matter. Have a look at it and consider what they have to say.

Mr Griffiths: The Premier described those being abolished as the sludge of government.

The Hon. J.R. RAU: Indeed. I am not arguing with that at all. I am glad you were paying attention to it.

Mr Marshall: We hang on every word.

The Hon. J.R. RAU: As one should. We all do over here. The point is that this is one of the matters—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned for interjecting out of his seat and for interjecting that the deputy leader has never seen state cabinet.

The Hon. J.R. RAU: It is disappointing, but the clock appears to have stopped.

POLICE DISCIPLINARY TRIBUNAL

Mr GARDNER (Morialta) (15:21): Supplementary: I think the Deputy Premier just suggested SACAT preferably. Can the police minister advise if he has had any stakeholder feedback on this matter and, in particular, whether any of it was in favour of the move from the Police Disciplinary Tribunal to SACAT?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (15:22): I will take that question, if I might. As I was trying to explain, the situation is that we are looking at many alternatives, but can I say, in general terms, there is a multiplicity of disciplinary tribunals and bodies around the place. There are some—

The SPEAKER: You mean there is a lot of them.

The Hon. J.R. RAU: Indeed, there are many. Some—

Mr GARDNER: My question was very specifically in relation to one tribunal, not the multiplicity, and specifically more than that, the stakeholder feedback that the Minister for Police, Minister for Correctional Services and Minister for Emergency Services has received in relation to this one tribunal.

The SPEAKER: Could the Deputy Premier hasten his approach to the target.

The Hon. J.R. RAU: As I was trying to explain, we have disciplinary jurisdictions within the Magistrates Court. We have disciplinary jurisdictions within the District Court. We have many individual disciplinary bodies floating around the place. The conversation the Premier has begun in a public way this week is to ask the obvious question: should we be one rather than many?

PRISONER NUMBERS

Mr GARDNER (Morialta) (15:23): I think that was a 'no'. My question is to the Minister for Police. What is the current number of prisoners in the South Australian corrections system?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:23): As the honourable member would know, that figure changes from day to day. I do not have the figure for today. I am more than happy to obtain it for him.

PRISONER NUMBERS

Mr GARDNER (Morialta) (15:24): Is it the case that, given the minister cannot give us one for today, prisoner numbers have recently reached a high of 2,601?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:24): I would like to thank the honourable member for the question. Certainly that was the figure some weeks ago. That is a figure which I have actually announced publicly already, so I am not sure why—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

Ms Bedford interjecting:

The Hon. A. PICCOLO: I'm actually answering the question I was asked.

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

Mr Marshall interjecting:

The SPEAKER: The leader is warned.

The Hon. A. PICCOLO: The question that I was asked by the honourable member was: did we reach that figure at some point in the recent past? I said, 'Yes, we have. I don't have that figure today,' so I have answered exactly the question I was asked.

PRISON CAPACITY

Mr GARDNER (Morialta) (15:25): I will ask another supplementary responding to that. Given that our prisons have an approved maximum capacity of 2,500 and the minister has previously outlined emergency surge capacity totalling 99 extra beds, and given that the number he said is now over 2,600, where have those extra prisoners been housed over and above the identified surge capacity cells?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:25): The question I was asked a moment ago was: was that figure reached some time ago? The figures vary from day to day. I am not suggesting that the figure is the same today or even higher; in fact I think it was down. As I have outlined to the house on a number of occasions, we have a number of strategies to accommodate surge situations.

Ms Chapman: What, the Royal Adelaide Hospital morgue waiting room?

The SPEAKER: Deputy leader!

The Hon. A. PICCOLO: I can reassure the house that any order imposed by a court is actually implemented by my agency in terms of custody of our prisoners and our community can feel safe. I can't say that that is true if the Liberal government—

Mr GARDNER: Supplementary, sir.

The SPEAKER: Supplementary, member for Morialta.

Mr Whetstone interjecting:

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

PRISON CAPACITY

Mr GARDNER (Morialta) (15:26): The minister's last answer said that he has previously outlined the surge capacity for when we are over capacity. Given that the entire totality of the surge capacity he has ever outlined is 99 cells, in addition to the 2,500 we have approved, and the minister has admitted that we have had more prisoners than those combined numbers, where are they? Where have they been kept?

Mr Marshall: Answer a straight question.

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

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:26): As I indicated, and I have indicated previously, we have a number of strategies to build within our existing footprint. Those strategies continue. Every prisoner who is supposed to be behind bars is behind bars and the community is kept safe.

An honourable member: Where?

The Hon. A. PICCOLO: In an institution, where do you think they are kept? If the member would like a breakdown of which institution, I am happy to get those exact figures for him.

PRISON CAPACITY

Mr GARDNER (Morialta) (15:27): Can the minister advise the house what is the average unbudgeted cost per prisoner kept in that surge capacity?

The Hon. P. Caica: You've run out of questions today.

The SPEAKER: The member for Colton is warned. He is called to order, I'm sorry.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:27): I thank the honourable member for his question. I will get that exact figure. I assume you want me to compare the average cost of a surge bed with standard bed in prison. I am happy to obtain that figure for you.

PRISON CAPACITY

Mr GARDNER (Morialta) (15:28): Supplementary, sir: the minister has previously advised, or his advisors have in the estimates procedure, that when prisoners are kept in surge capacity accommodation that that is, in fact, extra to the announced budget. So, what is that entire cost? The minister's previous advice would suggest that it is in addition to the announced budget.

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:28): Nothing I said in my previous answer contradicts that.

Mr Gardner: In estimates?

The Hon. A. PICCOLO: As I said, I will get the exact figure for him, which you asked in estimates. I am happy to get the figure for him.

Ms Chapman interjecting:

The SPEAKER: The member for Bragg is suspended for the rest of question time.

The honourable member for Bragg having withdrawn from the chamber:

PRISON CAPACITY

Mr GARDNER (Morialta) (15:28): Can I ask my question while that is taking place, sir, without defying you? My supplementary to the minister is: has the government used police cells at any time to hold sentenced prisoners?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (15:29): I am aware that we move prisoners from location to location for a whole range of reasons. I will have to confirm that with the department.

ADELAIDE CITY INVESTMENT

Ms HILDYARD (Reynell) (15:29): My question is to the Minister for Planning. How is the development of Adelaide as the heart of our vibrant state progressing along with the government's commitment to this vibrant city strategy?

Mr WILLIAMS: Point of order, Mr Speaker: I think that question was absolutely laced with comment, and I think you should be ruling it out of order.

The SPEAKER: Could I hear the question again?

Ms HILDYARD: Certainly, Mr Speaker. My question is to the Minister for Planning. How is the development of Adelaide as the heart of our vibrant state progressing along with the government's commitment to this vibrant city strategy?

The SPEAKER: It is laced with comment, and I rule it out of order. The member for Kaurna.

FRUIT FLY

Mr PICTON (Kaurna) (15:30): My question is to the Minister for Agriculture, Food and Fisheries. Can the minister advise what the state government is doing to ensure South Australia remains fruit fly free?

The SPEAKER: Assuming that it is. Minister.

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) (15:30): I thank the member for Kaurna for the question and acknowledge that there was

an outbreak of fruit fly in Sellicks, in the member's area, which was successfully eradicated—actually, it is the member for Finniss's area now. It has moved, but it is not far from your boundary or mine.

We are quite concerned about the 31 outbreaks in the Sunraysia area, both in New South Wales and Victoria, following the deregulation of the control of fruit fly in Victoria. There have been over 300 individual fruit flies detected in that part of the world at this time of the year, which is normally when things are a little bit quieter with the fruit fly. The South Australian government is being extremely vigilant and we're upping our fight against fruit fly to ensure that South Australia maintains its fruit fly free status. It is terribly important to a horticultural industry that is worth $675 million a year in South Australia.

We will open the Pinnaroo quarantine station a month earlier than traditional operating times and close one month later: it will open on 1 November and go through to 31 May. In addition, a second shift has been approved at Pinnaroo for the peak holiday period during December and January. We will maintain the Oodla Wirra quarantine station's double shift operating hours, from 1 September through to 31 May, and commence a night shift at Oodla Wirra, from the beginning of December until the end of March. This is a period of high threat of larvae introduction from New South Wales and Queensland.

We will maintain a permanent 24-hour a day, seven days a week presence at the Ceduna and Yamba quarantine stations. We will increase audits and inspections on all registered importers of produce, with additional increases for businesses importing fruit fly produce from Victoria and a further increase for those importing produce from within the Sunraysia area. We will review imported consignments to identify any unregistered importers.

We will deliver a schedule of random roadblocks targeting the highest risk times for importation of infested fruit, along with increasing checks on incoming rail traffic and at local grower markets. We are consulting with industry and revising the South Australian fruit fly strategy to confirm roles and responsibilities in the event of a fruit fly outbreak in the South Australian Riverland. We are proposing a repeat of last year's community awareness campaign to successfully raise the profile of fruit fly awareness amongst travellers and the South Australian public.

The South Australian government is also investing $3 million to develop a sterile insect technology facility and research initiative at Port Augusta. This development has support from national research partners for a further $22 million in Q-fly research and development over five years. This government takes the threat of fruit fly very seriously. Maintaining South Australia's fruit fly free status, as I said at the start, protects our $675 million horticultural industries and supports our economic priority of premium food and wine from our clean environment and exported to the world.

The measures outlined today for the coming summer, as well as our ongoing investment, will bolster the protection around the state and around the Riverland fruit growing areas. However, it is beholden on all South Australians and those coming here from interstate to be vigilant. Just remember, it is a pretty basic rule: if you are heading into South Australia, don't bring any fruit with you, and if you are heading from other parts of South Australia into the Riverland area don't take any fruit with you, unless you have a receipt for your fruit. We need all South Australians to join together.

I appreciate, too, the work the member for Chaffey does in this area. This year, it was the first outbreak in the Riverland for 23 years, and the way that community came together was terrific. I also thank the member for Hammond for the work he does to protect the workers and the industry in his local area.

An honourable member interjecting:

The Hon. L.W.K. BIGNELL: To the member for Stuart too, of course: thank you for maintaining this important issue and the biosecurity in your area. It is fantastic, and it is good to see everyone working together. Thank you.

Grievance Debate

CHOWILLA STATION

Mr WHETSTONE (Chaffey) (15:35): I rise today to talk about a great celebration in the northern part of the Riverland over the weekend, and that was the celebration of the historic Chowilla

Station's 150th anniversary. It really was a sight. Not only did people come in their masses to visit the station, but the river was also absolutely laden with all types of river boats—paddle steamers, old wooden ketches, many, many boats in their entirety. It was an absolute picture, and it was a pleasure to be part of that event.

To give a little bit of history of the Chowilla Station, the Robertson family are fifth generation owners of Chowilla Station. The current owners, James and his lovely wife Kerri, and their children Emma and Sophie, were also accompanied by Jock and Liz, James' parents. They are a great family and are part of a great institution looking after an iconic piece of South Australia.

Chowilla Station was settled by Richard Holland in 1864, and the station was later taken on by his three stepsons: John, William and Robert. In 1896 the three brothers divided the land into two separate properties, Calperum and Chowilla, and in 1919 the partnership became Robertson Chowilla Pty Ltd. For over 150 years now it has been a successful grazing enterprise and home to champion racehorses, and it is all a natural landscape out in that beautiful part of the world.

One of the things I did note, before I made my journey up to Chowilla, was that the local shop at Renmark North—one of the favourite homes of the meat pie—said that they counted about 200 cars per hour going past their door. So I took my boat up river, put in at the famous Woolshed Brewery and went up there, and it was an absolute treat to pull up to this magnitude of river boats and masses of people.

For those of you who do not know Chowilla Station, it is about an hour's drive out on the Chowilla Floodplain, and people were up there en masse. There were shearing demonstrations, both modern day and the old blade shearing, there were many blacksmith demonstrations, there were tours through the shearers quarters and the woolshed. They all had displays, and it was a really unique memorabilia-type day.

The great thing about it was that it was organised by a few. It was organised by Deb Alexander and Rob Bowring from the Mannum Dock Museum Board, and they did a great job. A few people came together and brought about 8,000 people up to Chowilla Station to look at what this great piece of country really offers.

Many members would know that the Chowilla Floodplain is a Ramsar site but, just as importantly, the pastoral country that oversees all of that floodplain was on display. There were paddle boat tours and bus tours around the station, and all the amenities. The people were very embracing, and they came from all over Australia. Two ladies, sisters, I spoke to came from Melbourne, and were there to celebrate the 150th anniversary. Their story was that their mother was up there and gave birth to her third child on Chowilla Station. Three days later she died, and was buried on Chowilla Station. They were there, I guess, to pay homage to Chowilla Station and what it meant to their family and the experiences they had.

Many of the people who had visited had previous experience either working on Chowilla or knew of people who had worked at or been a part of Chowilla. It is very much like today with the Robertson family who are continuing that tradition with grazing and being good managers and good land recipients. Some of that land has now been given back to the state government.

I think it is a great testament to Chowilla that, after 150 years, it is a very important piece of South Australia's history. It is also a piece of South Australia's environmental jewellery because not only are they looking after the pastoral side of that property but the environmental regulator is now there for the benefit of the environment.

PEDAL PRIX

Ms BEDFORD (Florey) (15:40): Last weekend, the member for Hammond and I attended the final race in the 2014 season of the international human-powered vehicle Pedal Prix. We joined thousands to watch the dramatic final shootout laps to decide who would claim pole position in this wonderful event that attracts people and teams from all over Australia to what is now an iconic South Australian event that has been running since 1984.

Traditionally, the final is held in the great Rural City of Murray Bridge—one of the few places that can accommodate an event of this size—and mayor Allan Arbon was on hand to greet us. The

riverboats moored along the banks of the Sturt Reserve are a majestic site and important accommodation for many officials and teams. This year though, some of the riverboats departed earlier for the Chowilla 150th commemoration event, as mentioned by the member for Chaffey in his contribution, and they looked equally majestic on the TV news that evening.

Andrew McLachlan and the board of the International Pedal Prix, all of whom are volunteers, work above and beyond every year to make sure this fantastic event is always bigger and better. Andrew and his team and all the volunteers around the track, behind the scenes and with every team on the course make Pedal Prix happen, and we owe them a great deal of gratitude.

Special mention to track announcer Paul Richards for the work he does every year. He has been a mainstay for as long as I can remember, and he puts his heart and soul into every day he is on the track, and with music all through the event. A special thank you must also go to major sponsor UniSA and all the other sponsors involved in some way or another from helping the teams get their bikes on the track to supplying food for the riders and the team administration and helpers. They all play a big part, and we say a very big thank you to each and every one of them.

Everyone involved in Pedal Prix takes the event, run over several heats, very seriously, and the only thing every person takes more seriously than the event is safety. Each bike is checked for not only mechanical integrity but also for safety aspects. For an event of this size, and with the complexity of such an event because there are four categories of bikes and riders on the track at any one time, they have had an enviable safety record over the years despite weather conditions that play havoc with the bikes and human error which, of course, no-one can do anything much to control.

This is not to say that, whenever an accident happens, there are not reviews on procedures. This would be a part of every annual debrief, I am sure, and everyone hopes that each competitor has a safe and enjoyable experience. I certainly hope that this weekend's incidents have not resulted in injuries that will prevent the competitors being part of this great event again next year.

The Pedal Prix lap at Murray Bridge is 2.15 kilometres. There are four categories: category 1 for primary school children up to year 7; category 2, junior secondary, where they are under 16; category 3 for senior secondary, where everyone must be under the age of 19; and category 4 for those who exceed that age limit.

There are restrictions on how many riders can be in teams at the various levels. I know that there are old scholars teams now that some of the schools put on the track as well as private or non-institutional teams, and these are the teams who have the fastest riders and the best machines. This section has only 10 riders per vehicle, and that means that they are not all as energetic as they might be by the end of it.

Weather has sometimes been unkind, but we had warm weather this year. The shootout for grid position sees the top four teams in every category vie for starting advantage. With 216 teams competing, the start is very important. This year's starters were Rod Spurling and Alex Moncrieff. Each has a longstanding link to Pedal Prix. They are retiring from their very hands-on roles and no doubt will continue supporting the event in other ways.

I am proud to inform the house that East Para Primary School, after a great series, was in the shootout and qualified 11th fastest overall. Their team Chain Gang finished 73rd overall with 335 laps and a fastest lap of three minutes 10 seconds—as good a time as many senior schools and only 20 seconds outside the time of Florey's top high school. Congratulations go to principal Bob Greaves and everyone who has embraced the event because of the opportunities it gives students at so many levels.

Other Florey schools also did us proud. Modbury High's Fast Cats racing team had the most teams in the entire event and was the top-finishing Florey school with Fat Cat at 42nd with 367 laps overall, Lynx came 82nd overall, Wildcat came 90th, Cheetah 97th and Pink Panther—the all-girls team—was 112th. While there were many people involved, I hope that Wayne Ferguson will pass on my congratulations to everyone, especially principal Martin Rumsby, who I am told rode as part of the Old Scholars team this year.

The Heights School had Thor at 132nd overall, Pulsar 169th and Odyssey 202nd. Quasar obviously had some problems as they finished 216th with only 69 laps completed. I believe that The

Heights School is the only school to have a bike in each category. The school celebrated Roger Button's 25th Pedal Prix, a commendable record probably not equalled by anybody else. Congratulations to Roger.

Ardtornish Primary School is one of the other schools in my area. They had the Ard Rocket II, and they came 167th. St Paul's College came in at 65th. Well done to Mr Holmes and the crew. I commend University SA for recognising the value of Pedal Prix. I know that Vice Chancellor David Lloyd has taken a keen interest in the event, and I certainly hope that their sponsorship is renewed and continues for many years to come.

MARION CITY COUNCILLORS

Mr SPEIRS (Bright) (15:45): It is my great pleasure today to rise to pay tribute to two of the City of Marion's longest serving elected members, councillor Cheryl Connor, my former co-councillor in Coastal ward, and councillor Carol Bouwens, elected representative for Warriparinga ward. Both were elected at the council election of 1997, and they have diligently and enthusiastically served for a combined period of 35 years, 17½ years each. Both have served terms as deputy mayor and both have a reputation as stalwarts of common sense, fulfilling their elected member role with a down-to-earth demeanour, pragmatic problem-solving and an avoidance of the silly games and power play too often the norm in local government.

Councillor Carol Bouwens was born in England and immigrated to Australia by herself as a young woman, working as a secretary to general managers for many years before volunteering in palliative care in the Daw Park hospice. Supported and mentored by the late local historian and councillor Bob Donley, Carol put up her hand for public office in 1997, and she has been comfortably elected ever since. She is famed for both her commitment to hard work and for the vibrancy of her hairstyles, which can be relied upon to bring a dash of colour to the all too often grey proceedings of council meetings.

Much of Carol's time on council has been focused on building relationships with council staff to get things done in the community. Rather than grandstanding and pontificating during council meetings, too often the modus operandi of our council colleagues, Carol has worked diligently behind the scenes to make stuff happen, in recent years driving the council's planning around the future of its four sporting and community hubs at Edwardstown, Marion, Mitchell Park and Hallett Cove.

Councillor Cheryl Connor is a Broken Hill girl who moved to Hallett Cove with her husband Dennis in the 1970s at the time when the suburb was a distant cluster of houses alongside a line of shacks which looked into the gulf. After her boys completed school, she found herself increasingly drawn into community service, concerned with Hallett Cove's lack of transport services, problems caused by youth disengagement and the area's need for a community centre and library.

From a prominent role in the Hallett Cove Progress Association, she and other members of the community realised that, in order to shift Marion council's attention onto the needs of the city's southern suburbs, they would need a strong voice among elected members. Cheryl was nominated and comfortably elected. At the time of Cheryl's election, Hallett Cove was seen as a distant outpost of Marion council, a land division over the hill and far away which, despite rapid population growth, was all too often an irrelevancy to the issues councillors from the plains were advocating.

It is fair to say that, when Carol and Cheryl were first elected, the City of Marion was a bit of a basket case. Lumbered with crippling debt, they were part of a team who drove forward an agenda of practical change to reshape the council. They were part of sorting out its financial mess and reaching a point where new investment in community services and infrastructure became possible again.

Much of that investment had to be in the forgotten south of Marion and, with Cheryl's vigorous advocacy, it was forgotten no more. In 2008, the completion of the Patpa Drive connector road linked Sheidow Park to Hallett Cove, initiating a major upgrade of the Hallett Cove Shopping Centre, increasing property values and driving further investment in the community. Other major initiatives advanced under Cheryl's watch include the delivery of upgraded parks at Pavana Park and Glade Crescent Reserve, the development of a unique ANZAC memorial overlooking the gulf on Hallett

Cove's foreshore, which work will begin on soon, and an upgrade of the Cove Sports and Community Club.

There is no doubt in my mind that Cheryl's greatest achievement is the delivery of the Cove Civic Centre, a new community centre, library and enterprise hub which is currently under construction. Delivering a community centre has been a dream for Hallett Cove residents and councillors for decades, with Cheryl able to pull out newsletters from the Hallett Cove Progress Association from the early-nineties which announced the imminent go-ahead of the project. By her own admission, she has been reduced to tears as she fought doggedly to make the community centre go ahead, and it was with a sense of jubilation and also relief that this happened, with an announcement that it would be built in 2012. Hallett Cove residents now look forward to the opening of that centre next year.

Cheryl and Carol have formed a dynamic, reliable, service-focused duo for nearly two decades. They will be missed, but they can step down from their roles in community leadership knowing that they have cemented lasting legacies of real change in their communities. We need far more community servants like them in local government. May they enjoy their retirement.

The DEPUTY SPEAKER: Hear, hear! We welcome them to the gallery today.

CAICA CUP

The Hon. P. CAICA (Colton) (15:50): Today I wish to talk about an annual event in my electorate held between the two outstanding senior schools in that area: St Michael's College and my old school, Henley High School. I think it is reasonable to say that some time ago the relationship between the students from St Michael's and Henley High School was not as good as it might have been. There appeared to be no rhyme or reason for this to be the case. It was not a bad relationship, just not as good as it should have been. No doubt there were good relationships, and students who went to either school often played organised sport together outside school. Certainly I do recall many of the girls from Henley getting on very well with the boys from St Michael's and the same for the Henley High boys when St Michael's became co-ed. I can testify to that, because my beautiful wife was one of those first female students to attend St Michael's.

On Friday 12 September (that is two Fridays ago) the fourth Caica Cup was held. This event pits St Michael's against Henley students in a variety of sports. A couple of new sports were introduced this year: lacrosse and surf life saving. The first Caica Cup four years ago was won by Henley High School. The next two were won by St Michael's in absolute nail-biters. In the second year it went down to working out not just who had won the most sets in the tennis competition but who had won the most games; it was that close. Last year, the deciding competition was the basketball, which went to extra time with a three-point shot by St Michael's in the last second. It was an outstanding competition. This year, Henley won quite convincingly, and I am sure that it is a good thing that it is two-all at this stage. I look forward to it being a competitive contest next year.

I want to congratulate those who established this event: the then principal of St Michael's, Steve Byrne, now the principal at Sacred Heart, and Henley High School principal, Liz Schneyder. I also thank the newly-appointed principal and former deputy principal of St Michael's, John Foley, for his ongoing support of the cup. His was an outstanding appointment by the Catholic education system. He is a good bloke, he is a good operator, and he is an absolutely fantastic principal.

I also want to thank those involved in making the event a success, particularly the sports coordinators. I highlight the role that Jess Fanto and Sally Nicholson from St Michael's played and also the role played by James Treagus and Tim Kloeden from Henley High School. I also thank their teachers, coaches, members of the school community, and all those who have supported this event. I also want to acknowledge and thank the students who participated or supported their school teams. Their performances, sportsmanship and behaviour were exemplary. The events were fiercely contested, as you would expect them to be, but through their performances they all did their schools, families and most importantly themselves great credit.

I will finish off where I began, and that is, whilst the relationship had not been as good as it might be, this event, along with the professionalism and expertise of the school administrations, has resulted in a fabulous working relationship between Henley High School and the Catholic education school just down the road, St Michael's. It is an event that I think was well conducted and well

supported by everyone. I am so proud, Deputy Speaker, as you would expect, and never would have thought in my wildest dreams all those years ago that there would be an event named after me and Annabel, but I am prouder that we have two great and outstanding senior schools in Henley High School and St Michael's in my electorate.

With the 45 seconds left, I am going to quickly comment on a sporting club in my electorate. The Henley football club lost their preliminary final in the seniors to Goodwood Saints last week, but I want to mention that they have had a terrific year to make the preliminary final. We also had the Bs in the finals and the Ds taking out the premiership, along with six teams in the junior competition with, I think, two winning a premiership.

To that extent, I want to thank everyone who supports the Henley football club—the players, in particular, our president, Teresa Davoren (who, I think, is the best president in the amateur league competition) and the coaches, especially our senior coach, Gavin 'Scratcher' Colville.

REYNELLA

Mr WINGARD (Mitchell) (15:55): I rise today to speak about the wonderful community of Reynella and Old Reynella. I have mentioned here before the beautiful schnitzels at the Crown Inn and their wonderful social club. They are a great part of the community.

The DEPUTY SPEAKER: I'm hanging out for one. I'll be there.

Mr WINGARD: You have been invited and I am happy to take you down again, Deputy Speaker. It was a great night when we went down there with a few members of the house. It is a great social club and a great part of the community.

Other parts that are equally as impressive are the Reynell Business & Tourism Association, chaired by Gary Hennessy, a group that is passionate about upgrading and reinvigorating the high street in Old Reynella. They have done some marvellous work over the years and should have due recognition for the upgrading of the historic changing tables which are worth a look. When we go down there, Deputy Speaker, I will take you there as well.

The Reynella Neighbourhood Centre is another marvellous group. They have just had their AGM, and Eunice Hearne has stepped down as chairperson after three years of stellar service. Thankfully, she is staying on as secretary to ensure a smooth transition. Tony Nicholls was elected chairperson and Marc Roberts is the vice chairperson, and I wish them well and all the best for the future.

The centre is a hub for the Reynella community, from quiz nights to English-as-a-second-language classes. The craft groups are brilliant and they even have high-tech training for those wanting to advance their skills in mobile phone technology and electronic devices. There is plenty on offer and plenty more than that down at the Reynella Neighbourhood Centre. Most important and commendable, of course, are the staff at the Reynella Neighbourhood Centre. They are outstanding and play a big part in helping out the entire community of Reynella and Old Reynella.

That leads me to the local football team in that neck of the woods, which is the Reynella Wineflies, and their great president, Dave Denyer, who has done a marvellous job this year. They made the grand final. Sadly for them, though, the seniors were beaten by a kick after the siren to lose the grand final, which was disappointing. They were looking to go back to back. Of course, that all took place at Hickinbotham Oval last weekend.

The under 14s, however, did win the flag. They are a very good side and I know this firsthand because their monster lads beat us three times during the course of the year. The team that I coached was rock-and-rolled by Reynella on those three occasions. A big congratulations go to Craig Austin who was named SFL coach of the year. He coaches that side in the under 14s.

That leads me to the Reynella Cricket Club, which is preparing for a big season across all grades. I want to mention the Cricket Champs program that they established last year. This is a brilliant program for late developers, giving everyone a go at playing cricket, which is one of Australia's favourite sports. These are kids who perhaps have not had the greatest of opportunities in mainstream cricket, if you like, and they have developed a program that will help them get into cricket at a slightly later age. It was the first centre last year set up outside of Perth for children who

are looking for this extra development and extra attention, and it was absolutely outstanding. I went down a few times and the kids loved it.

There was one lad in particular called James, who was just an absolute standout. He had so much energy and he was so passionate. Every time you tossed him the ball he would go back off the long run and, no matter who was batting, he would try to knock them over every time. Then when you did give him a bat and he got it in his hand, he would try and put every bowler he faced back over the fence. It was great to see.

The great thing is that the assurance this young lad has developed out of this program has given him the confidence to go and play in the under 15s, which is the plan for this year. It is a great credit to the program. James Neiderer and his wife, Jenny, and Jordan Wright from the Reynella Cricket Club did a marvellous job in putting that program together, and it is going to roll around again. It is great to see them getting into the community, not just helping the kids who have some talent and are gifted in cricket but helping out all levels and getting everyone involved in the great game of cricket.

The bowls club is going from strength to strength and the numbers there are fantastic. The tennis club at the back of the complex flies under the radar and is very self-sufficient, and the whole crew out there does a marvellous job.

Next door in this facility is the Reynella Small Bore and Air Rifle Club. In the wake of the Commonwealth Games I want to pay tribute to two teenagers—Emma Adams, who is 15, and Jack Rossiter, who has just turned 17—who made their Commonwealth Games debut earlier this year. They were part of Australia's strongest ever shooting team for the games. Emma and Jack have been shooting for almost five years and they both contested the 10-metre air rifle event at the Commonwealth Games in Scotland. They train four sessions a week and work very hard.

Their club and state coach, Carrie Quigley, was very impressed that they actually made the senior team. There was some suggestion that they were going to be kept out of the Commonwealth Games team and just keep with their development, but they were so strong that it was imperative that they be picked for this side because it was seen as a great step in their development. Back at their own local club in Reynella, they have now progressed to mentoring other junior members and competing against the seniors on most Friday nights and often they win those competitions.

Time expired.

HORTEX ALLIANCE

Mrs VLAHOS (Taylor) (16:01): I would like to speak today about the second priority the Premier spoke about during his recent CEDA address on the 10 priorities of South Australia moving forward, which is premium food and wine produced in our clean environment and exported to the world. I would particularly like to talk about the Hortex alliance, which is a group of people in my electorate, but firstly for the record let's talk about what the South Australian horticulture industry does.

Recently, the PIRSA food scorecard for 2012-13, which was released in November 2013 for the horticulture industry in South Australia, showed the finished food value was $1.134 billion. This is the finished food value or value of goods that was completed via the manufacturing process but had not been sold or distributed yet to the end user. The farm-gate value was estimated to be $677 million and overseas exports was $139 million. The net interstate trade was $515 million. The retail and services sales was $1.951 billion, with a gross food revenue of $2.605 billion for our state.

Hortex in the northern Adelaide Plains plays an important role in the story in the electorate of Taylor. Hortex is a not-for-profit alliance with a mission to support and promote sustainable production systems in South Australia. It was formed in 2009 to explore networks and access resources for building capacity within the horticulture industry within the northern Adelaide Plains area. I am glad to be working side by side with them and we move towards achieving some of the priorities the Premier spoke about in his speech.

Its chairman, a long-time farmer in the Virginia area and Playford councillor, is Dino Musolino, who does a fine job alongside his deputy chairman, Zurriyet Braham, and the executive officer, Bryan Robertson. Together, the board membership represents almost a combined total of 200 years of

industry experience. We have a range of people in the area of Virginia—growers, a good mix of gender and ages, we also have agronomists, business owners, organic producers—who are all fantastic people to work with side by side to make sure we achieve some of the projects we have set our hearts on.

Some of the things Hortex is doing in the local area are helping local farmers and producers with building code reform, something I am working with them on a round table to ensure that we resolve issues that will unlock millions of dollars of investment in our state and create jobs. We are working to increase food production yields. Many families involved in horticulture wanted to continue in the industry but wanted to downsize their operations.

Hortex is involved in discussions with the community about technologies and techniques to give greater crop yields on smaller parcels of land. We are working together to figure out how water table preservation and flood mitigation can be used to help us. Farmers are working with Hortex about projects that will capture rainwater run-off, store it in purpose-built storage and pump the water through the aquifer. This type of water storage will help mitigate flooding, and for the west of Port Wakefield Road particularly this is an issue, and help boost the local groundwater resources. This technology is being used in Israel and involves an innovative solution for a dry climate. It takes advantage of utilising natural infrastructure underground, rather than building new networks above ground.

We are also interested in working together with the government for export pilot programs. Many horticulturalists in the north are eager to take the next steps with their businesses and start exporting, but they need assistance in finding new markets. Together with the Department of State Development (DSD), we are going to investigate this further. The alliance is planning on creating pilot programs that will engage with our overseas neighbours, such as Singapore and Hong Kong, to create new export markets for our local farmers.

I am pleased to be working alongside Hortex and the growers of my area. I know how much they provide in employment, how hard they work, and how proud of them we are in the northern plains of Adelaide.

Bills

STATUTES AMENDMENT (SUPERANNUATION) BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:05): Obtained leave and introduced a bill for an act to amend the Parliamentary Superannuation Act 1974, the Police Superannuation Act 1990, the Southern State Superannuation Act 2009 and the Superannuation Act 1988. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:06): 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.

This Bill seeks to make amendments to the following Acts for the purpose of making amendments to the superannuation arrangements provided under those statutes: the *Police Superannuation Act 1990*, the *Parliamentary Superannuation Act 1974*, the *Superannuation Act 1988* and the *Southern State Superannuation Act 2009*.

One of the main proposals dealt with in the Bill is the extension of the regulation making power under section 52 of the *Police Superannuation Act 1990*. This proposed power will enable regulations to be made that recognise salary in a prescribed manner for the purpose of determining contributions or benefits in relation to contributors to the Police Superannuation Scheme. An equivalent power already exists under Section 59 of the *Superannuation Act 1988*. This will enable regulations to be made that would recognise specific allowances for superannuation purposes from the date the member commenced or commences to receive the allowance.

The reason that this issue has arisen with respect to allowances payable to police officers is that the 'South Australia Police Enterprise Agreement 2011' (the 'Agreement'), dated 18 May 2011, provides that from 1 July 2011, 'Officers of Police' are entitled to be paid a 'Flexibility Allowance' of 5% of their annual salary. The Agreement also provides that 'for superannuation purposes, the Allowance will only operate and be applied with a prospective effect'. While this allowance will already be recognised under the *Police Superannuation Act 1990* for contribution and benefit purposes, it will be necessary, in order to give effect to the provisions in the Agreement which state that the Allowance will only have 'prospective effect', to recognise the Allowance on a time weighted basis by regulation. This will prevent members of the Police Superannuation Scheme who are in receipt of this allowance from receiving a retrospective windfall gain in benefits, especially to those who may only receive that allowance for a short period of time in comparison to the period of service, to the detriment of the overall funding of the scheme.

There are two main proposals in the Bill which concern the *Southern State Superannuation Act 2009*. The first proposal concerns a minor technical problem with the membership provisions of Triple S. Section 19 of the *Southern State Superannuation Act 2009* provides that a person is a member of the Scheme where the Crown, or an agency or instrumentality of the Crown is liable to pay a superannuation guarantee charge under Commonwealth legislation. Section 27 of the *Superannuation Guarantee (Administration) Act 1992*, being the Commonwealth legislation referred to in the Triple S membership provisions, effectively provides that employers are not required to make superannuation guarantee (SG) contributions in respect of those of its employees earning less than $450 per month. While not required, an employer may nevertheless choose to make contributions in respect of its employees in that category. In terms of Triple S membership, it has recently become apparent that State Government agencies are making superannuation contributions in respect of a number of employees earning less than $450 per month. This issue particularly affects those in receipt of disability support pensions who are employed by the Department of Communities and Social Inclusion, and being paid a percentage of the minimum wage payable. The problem is that under the strict interpretation of the legislation, these persons are not members of Triple S under section 19 of the *Southern State Superannuation Act 2009*, as there is no obligation on employers to make the SG contribution under Commonwealth law. This is despite the fact that they are otherwise treated as 'members' of Triple S. Therefore, to overcome this issue, the Bill seeks to amend section 19 of the Act to ensure that employees are also taken to be members of Triple S in such circumstances where the agency is not liable to make an SG contribution in respect of the member under the Commonwealth law, but nevertheless elects to make such a contribution. The Bill also seeks to insert transitional provisions to ensure that anyone affected by this anomaly prior to the commencement of the amendment will be taken to be a member of Triple S. This does not represent a change in policy but rather, seeks to formalise current practice amongst agencies.

The second proposal in the Bill relating to the *Southern State Superannuation Act 2009* concerns the confidentiality provisions in section 28 of the Act. The need for the exchange of data held by the Super SA Board in the administration of Triple S, and by the Southern Select Superannuation Corporation in the administration of Super SA Select, is paramount, particularly since insurance coverage is provided to Super SA Select members through Triple S pursuant to the terms and conditions of the *Southern State Superannuation Act 2009*. The proposed amendment will facilitate the exchange of data between the two schemes, in that it will allow member information to be disclosed to the Southern Select Superannuation Corporation for purposes related to the administration of Triple S (eg insurance purposes), or Super SA Select. A corresponding amendment has already been made to the confidentiality provisions in the *Public Corporation (Southern Select Super Corporation) Regulations 2012*, being the regulations governing Southern Select Super Corporation.

The final main proposal in the Bill seeks to make amendments to the *Superannuation Act 1988*, the *Police Superannuation Act 1990* and the *Parliamentary Superannuation Act 1974* to permit the superannuation board of the relevant scheme to release a portion of a member's superannuation for the purpose of funding a 'Division 293 tax' debt incurred by that member. Division 293 tax is in general terms imposed on concessional contributions of high income earners whose income and relevant concessionally taxed contributions (referred to as low tax contributions) exceeds $300,000. The assessed Division 293 tax is 15% of low-tax contributions that exceed the $300,000 threshold. Commonwealth superannuation regulations permit the trustee to release superannuation upon being issued with a 'release authority' to pay for a Division 293 debt. However, the legislation governing the Pension and Lump Sum Scheme, Police Superannuation Scheme and Parliamentary Superannuation Scheme does not currently permit the relevant Board to release superannuation money for this purpose. The proposed amendments thereby seek to insert a mechanism for affected members to request the relevant Board to release funds direct to the Commissioner of Taxation for the purposes of paying a Division 293 tax debt. The payment of this tax is also applicable to members of Triple S under the *Southern State Superannuation Act 2009*, where their income and relevant concessionally taxed contributions exceeds $300,000. This issue has been addressed separately in respect of Triple S members by regulations made under that Act.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

As there is no provision fixing a date for commencement, the measure will come into operation on the day on which it is assented to by the Governor in accordance with section 7 of the *Acts Interpretation Act 1915*.

Part 2—Amendment of *Parliamentary Superannuation Act 1974*

3—Insertion of section 23AAE

Proposed section 23AAE authorises the Parliamentary Superannuation Board to make payments to the Commissioner of Taxation, or to members, as required by the *Taxation Administration Act 1953* of the Commonwealth for the purpose of facilitating payment of the Commonwealth Division 293 tax in relation to members of PSS3. The section provides that the Board must debit the amount of any such payment against the member's Government contribution account (or another account if the balance of the Government contribution account is not sufficient).

Part 3—Amendment of *Police Superannuation Act 1990*

4—Insertion of section 35B

Proposed section 35B will facilitate the payment of Division 293 tax for contributors to the Police Superannuation Scheme who are entitled to a pension. The section will authorise the Police Superannuation Board to commute a portion of a contributor's pension into a lump sum of the same amount as the Division 293 tax that the contributor is liable to pay.

If the Board receives a Division 293 release authority under the *Taxation Administration Act 1953* of the Commonwealth, the Board must commute a portion of the pension of the contributor to whom the authority relates so as to provide a lump sum of the same amount as the tax. The lump sum must then be paid by the Board to the Commissioner of Taxation.

5—Amendment of section 52—Regulations

This clause recasts subsection (3) of section 52 of the Act so that the regulations may prescribe the salary of a contributor, or an amount taken to be salary, for the purposes of determining the contributor's contributions or benefits under the Act. Section 59 of the *Superannuation Act 1988* includes a similar regulation making power.

Part 4—Amendment of *Southern State Superannuation Act 2009*

6—Amendment of section 3—Interpretation

This amendment to section 3 of the *Southern State Superannuation Act 2009* makes it clear that a *participating employer* for the purposes of the Act is an employer with whom the South Australian Superannuation Board has entered into an arrangement under section 6 of the Act.

7—Amendment of section 19—Membership of scheme

Section 19 of the Act provides that a person is a member of the Triple S scheme if the Crown, or an agency or instrumentality of the Crown, is liable to pay a superannuation guarantee surcharge under Commonwealth legislation in relation to the person. As amended by this clause, the section will also provide that a person is a member of the scheme if the Crown, or an agency or instrumentality, is not required to pay a superannuation guarantee surcharge but pays an amount to the Treasurer in relation to the person as if it were required to do so under section 21 of the Act.

8—Amendment of section 28—Confidentiality

Section 28, which deals with confidentiality, is amended by this clause so that members of the Board and persons employed in the administration of the Act can divulge information of a personal or private nature, or information as to the entitlements or benefits of a person, to a person responsible for the administration of a prescribed scheme. The purpose of divulging the information must be related to the administration of the Act or the administration of the prescribed scheme. A prescribed scheme is a superannuation fund or scheme prescribed for the purposes of section 21.

9—Amendment of Schedule 1—Transitional provisions

This clause inserts a new transitional provision. Proposed clause 16B has the effect of deeming a person to have been a member of the Triple S scheme before the commencement of the amendment to section 19 made by clause 7 if the Crown, or an agency or instrumentality of the Crown, paid an amount to the Treasurer in relation to the person as if required to do so under section 21 of the Act (or under section 26 of the *Southern State Superannuation Act 1994*) even though there was no liability to pay a superannuation guarantee surcharge in relation to the person under Commonwealth legislation.

Part 5—Amendment of *Superannuation Act 1988*

10—Amendment of section 4—Interpretation

This clause inserts a number of new definitions necessary in relation to proposed provisions providing for the payment of Division 293 tax. A *Division 293 release authority* is a release authority relating to Division 293 tax issued

by the Commonwealth Commissioner of Taxation. *Division 293 tax* has the same meaning as in the Commonwealth *Income Tax Assessment Act 1997*.

11—Insertion of section 32E

This proposed new section applies to new scheme contributors under the *Superannuation Act 1988*. If the South Australian Superannuation Board receives a Division 293 release authority in relation to a contributor who is entitled to a benefit, the Board is required to pay to the Commissioner of Taxation, from the contributor's benefit, an amount equal to the Division 293 tax payable by the contributor.

The proposed section also makes provision for an amount of a contributor's benefit to be set aside for Division 293 tax purposes even though a release authority has not yet been issued. Under the relevant provisions, a contributor who has, or will shortly have, an entitlement to a benefit may request the Board to withhold from the benefit (or potential benefit) an amount equal to the contributor's estimate of the amount of Division 293 tax he or she is or will be liable to pay. On receiving a Division 293 release authority in respect of the contributor, the Board must pay the contributor's tax to the Commissioner of Taxation from the amount that has been withheld at the contributor's request. Any balance of the withheld amount is to be paid to the contributor.

12—Insertion of section 40AB

Proposed section 40AB will facilitate the payment of Division 293 tax for old scheme contributors who are entitled to a pension. The section will authorise the South Australian Superannuation Board to commute a portion of a contributor's pension into a lump sum of the same amount as the Division 293 tax that the contributor is liable to pay.

If the Board receives a Division 293 release authority under the *Taxation Administration Act 1953* of the Commonwealth, the Board must commute a portion of the pension of the contributor to whom the authority relates so as to provide a lump sum of the same amount as the tax. The lump sum must then be paid by the Board to the Commissioner of Taxation.

Debate adjourned on motion of Mr Pederick.

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:07): Geographical location is no impediment to the Workers Compensation Tribunal becoming part of SACAT and remaining in its current premises, where it could continue its operation. Even if the government decided that it wanted to relocate the industrial court and/or the commission and/or the Workers Compensation Tribunal, with or without the dust diseases practitioners and Licensing Court jurisdictions, to move it to its own headquarters, it would be in exactly the same position, whether it is an employment tribunal or part of SACAT. There is no justification on the grounds of geographical or physical location of the premises, and it could do as exactly as is proposed by the government for the purposes of residential tenancies and/or Guardianship Board matters.

There is obviously also the question of cost if it is a separate court, which the Attorney conceded in our SACAT debate in this house was a similar model; in fact, as I say, it is almost exactly the same model. There is obviously some synergy for the purposes of it coming together with their message; that is, we need to have a multifunction jurisdiction administrative court similar to other states, and this could be achieved.

Another aspect, of course, is the question of whether the industrial tribunal's advisory group or any subsidiary—either individual judges or the registrar of the commission and/or court—have been consulted by the government, and I would be keen to hear from the Attorney as to what has taken place in that regard. The industrial tribunal's advisory group actually meets weekly to deal with all sorts of internal management and policy matters, so I would be interested to know what their view is.

I indicate to the Attorney that, between the houses, we on this side of the house are more than happy to meet with current members of the Workers Compensation Tribunal and/or the court, given that the court is to be, at the very least, an appeal court under this proposed bill, and a lot of these personnel overlap. For members' benefit, I place on the record that the Industrial Relations Commission, the Workers Compensation Tribunal, its appeal tribunal, some other tribunals dealing with some other jurisdictions and the Industrial Relations Court of SA are all situated at the Riverside premises.

I move to what I think is really the pressing issue here and that is the personnel who will administer the future workers compensation disputes in South Australia. At present, as I say, substantially these are dealt with by the Workers Compensation Tribunal—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: I am just going to read a few names. Presently the Industrial Relations Court has its senior judges: His Honour Bill Jennings; and the judges sitting underneath as members of that court are judges McCusker, Parsons, Gilchrist, Hannon and Farrell. It is my understanding, as indicated by the Attorney, Judge Parsons has now retired, so on the electronic website we now have Mr Lieschke—

The Hon. J.R. Rau: He's a magistrate.

Ms CHAPMAN: Magistrate. I will come to him in a minute. I had a more updated list from the annual report but perhaps I will correct that in committee. My understanding is that a number of the industrial magistrates who are still there are Magistrate Michael Ardlie and Stephen Lieschke. There is an auxiliary appointment still of Mr Hardy. In any event, the Industrial Registrar is Mr Correll and there are, separate to that in the Industrial Relations Commission, the president who has a different role, Judge Peter Hannon; Deputy President Judge McCusker; and I think Judge Parsons also left that area but, in any event, similarly they have some commissioners to do support work.

In the tribunal, these judges who sit on the court, from that group we have president for the Workers Compensation Tribunal, Judge Bill Jennings and judges McCusker, Gilchrist, Hannon, Farrell and Lieschke, who is not a judge of the District Court but is, as I understand it, a deputy president of the tribunal. They all have different roles but they all, essentially, have been developed and amended over even some of the years I have been here to deal with—

The Hon. S.W. Key: Not any women?

Ms CHAPMAN: No—the industrial disputes whether they be pay disputes, entitlements, workers compensation, etc. I do not have to go into all the areas that they cover. In a way there is a bit of a multifunction aspect there. There is a separate Workers Compensation Appeal Tribunal at the moment and that comprises the president, Judge Jennings, and the deputy presidents, I think, are Mr McCusker and Mr Gilchrist.

Obviously, they do not appeal their own determinations but they are co-located, and they work pretty well I think, as best as I understand it. I was not familiar with that jurisdiction but we get an annual report from them to the parliament. Whilst a big chunk of their work was removed as a result of the government's decision, ultimately endorsed by the parliament, to transfer industrial disputes in the independent sector across to the Fair Work Commission, which is the federal structure, we still deal with issues obviously at a state government and local government level and that is quite considerable.

The question is: what is going to happen to those? As I indicated with SACAT, positions in a traditional sense were advertised. Presumably, there was some process of assessment of them for consideration. As we know, His Honour Judge Greg Parker, Supreme Court judge, took the senior position as president, Judge Cole from the District Court is deputy, and a registrar has been appointed, etc.

The staff from a number of proposed areas were assured in the transfer that they would be given an opportunity to continue employment in the new SACAT from whatever jurisdiction they came. Those who had a role in the determinations, whether they were bond disputes and rental payments in the tribunal, or for those who are working in administration and mental health areas and the Guardianship Board, largely had an opportunity to apply for positions (there was no automatic transfer), and then selection took place. The head of the Guardianship Board is not quite in the same category because, of course, we have a new president and deputy president.

What will happen to these people, these judges, many of whom are District Court judges as well as industrial court judges (they have significant status) if they do not have their own independent structure and they are brought into SACAT? I suspect there will be some issues about what other work they will be given, given their tenure arrangements are different to those who will be employed.

If we are really standing here considering establishing a new tribunal, separate from SACAT, to absorb this industrial relations responsibility, including workers compensation disputes, into a new structure so that we can give existing judges a job or a continued role, then I think we will have many more questions to ask about how that is going to operate.

It should have been disclosed by the Attorney during the course of these debates that obviously there is a connection between Mr Lieschke and the Premier. During their working life in the legal firm from which they come, Mr Lieschke was a former partner of the Premier. I make no disparaging remark about that per se. There is no reason that Mr Lieschke cannot seek the opportunity to achieve a judicial office, like anyone else, but I frankly think that it should have been disclosed during the course of the second reading contribution. It may be why, when I woke up one day—

The Hon. J.R. Rau: I haven't had a second reading contribution—

Ms CHAPMAN: You have had a second reading contribution—

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: You have had a second reading contribution, thank you very much.

The DEPUTY SPEAKER: Order! No interjections. Don't even ponder interjections. Please just continue with your contribution.

Ms CHAPMAN: It may be that we will have a completely independent structure—which, I suggest, is unnecessary and a costly addition—which could be accommodated with the SACAT tribunal in situ, with the same model and personnel, especially if they are just going to be transferred and given some other tenure arrangement. There is absolutely no reason that these people would not be experienced enough in the work they are already doing to be able to continue in that role, albeit a slightly different model of application as of 1 July 2015. I do raise reservations about that.

I conclude by saying that, whatever the model, wherever it is, whatever they are going to call it, I ask the government to make sure about one thing that I think is concerning. We as members of parliament receive letters about people who feel they have been badly done by by a legal process. That is inevitable; of course we all get those. In this area, I have to say, most often the concern is not that they might have missed out on an entitlement they think they should have under workers compensation, because largely they are massaged through it and generally the agencies do quite a good job.

What they have a problem with—and this ought to be noted by the government—is the delay in respect of payments. I have had case after case, but a more recent case concerns settlement arrangements for a police officer who, from 2005, with post-traumatic stress disorder matters, went through the process of receiving fortnightly payments and making an application for redemption arrangements, with psychiatrist reports pulled in and all the usual processes. Sure, the negotiations took some time, but from the time the Crown Solicitor received, on behalf of the government, the terms of settlement between the parties in March this year, finally this week the applicant has received their money.

I could not believe, when I came into this place, how the delay in respect of payment of moneys by government agencies to other government agencies and/or to civilians (the latter being more pressing) occurs. I find it unconscionable, the delays we have had from payments from the Public Trustee and other agencies like that when there is no apparent justification. I find it appalling. The government needs to get the message that even though it is in charge of billions of dollars, people rely on getting those moneys in a timely manner. I just ask that, whatever structure they have, they give some attention to making sure that once the deal is struck and the payment is going to be made they do not drag the chain and leave somebody waiting for their money six months after the agreement.

Mr KNOLL (Schubert) (16:20): I would like to congratulate the Attorney on his recent article in *CityMag*, which was brought to my attention by my ever attentive staff (in fact, the look he was displaying just before was quite similar to the photo in there). As a new politician in this place, I am a sponge for any wisdom that my colleagues on either side of the chamber can impart to me, and in

that spirit I went through the article with great gusto. I believe it does have relevance to the debate we are having today, and I will tie that all in.

The article did get a little bit *Sex and the City* to me though, when it said that the Attorney-General had agreed to give *CityMag* readers some hints on how to become a modern and effective politician (as opposed to a modern, effective woman). I did not pick the Attorney-General as a Carrie Bradshaw but, now that it has been pointed out to me, there are a number of things that make sense.

Something at the end of the article really sparked my interest, and I think it is quite relevant to this debate. In the last couple of sentences, with regard to 'Know your brief' (which is something I learned quite a bit about last night), the Attorney said, 'Don't gild the lily. Just call it what it is. Be as plain speaking and direct as possible.' I do think that to a certain degree that is something we have had in this debate as we have gone on.

However, I think that plain speaking has come with a bit of an agenda, and I will elaborate. I am a married man of 7½ years' standing and, as the man in the relationship, I often get in trouble; sometimes it seems as if I always get in trouble and that I can, indeed, do no right. As a typical man, my response to these situations is to either hide or try to avoid them, but there are times when the transgression is too great to either hide or ignore—indeed, if my wife is listening this may be one of those times.

The DEPUTY SPEAKER: How many children did you say you have, member for Schubert?

Mr KNOLL: Just one.

The DEPUTY SPEAKER: I think she will be doing something else at the moment.

Mr KNOLL: I employ another technique in those times, and in these times. What I do is go on the offensive. If I know that something big I have done wrong is coming out I go on the offensive, so that when I first get in the door when I get home, or on the phone, I will get as angry at myself as she seeks to get angry with me. What that does is have the effect of neutralising the attack, most of the time. In all seriousness she is not always necessarily in the mood to agree with me at that point—in fact, I think she is sometimes really spoiling for a stoush—but nevertheless she must agree with me. Indeed, the argument does fall apart at that point when we both end up agreeing about how bad a person I really am.

The DEPUTY SPEAKER: You are drawing this back to the debate, aren't you?

Mr KNOLL: Right now.

The DEPUTY SPEAKER: This is a circuitous way of doing it. I am sure it will be apparent shortly.

Mr KNOLL: All will be revealed in the next 60 seconds. The first step with any problem is to admit that you have one. That is a fantastic first step, and I am glad to see that, after 12 years, the Attorney has done that. He had a revelation, he says, just after he became minister, which led to some unparliamentary comments towards the end of last year, with which we wholeheartedly agreed, but in seeking to do that I believe the Attorney was trying to employ my technique, which I cleverly thought was my own. He was trying to go further in his level of outrage with the scheme than we in the opposition would otherwise have done.

The difficulty in this case is that the Attorney is part of a government that has been in power for 12 years and has had plenty of time to do this. Indeed, the Attorney and members opposite have been through the 'hide the problem and avoid the problem', and have finally come to the realisation that we need to go down a different path, hence we have had this process. The outrage, I believe, is simply not enough. I would like to highlight a couple of experiences, not necessarily personal experiences, I have been made aware of in regard to the WorkCover system, especially relating to the WorkCover tribunal system. Those experiences have been poor.

I know of a case of a person who was employed in mid-2011 and who ceased employment with an employer mid-2012, 12 months later. Three months after that, towards the end of 2012, a claim was put in by that person for an injury that she said was sustained 12 months prior. WorkCover rejected the claim. I will not pass judgement on whether or not they were correct in doing that, but

the claimant then appealed that judgement and so began a two-year process of going through the tribunal to try to adjudicate an outcome.

There were many extraneous factors and many personal circumstances that made this case quite difficult and quite heartbreaking to hear about. Again, I do not wish to pass judgement except on the fact that the process took so long. There was meeting after meeting where all parties would get into a room, only for one party to say, 'I did not bring the information that I promised at the last meeting I would bring to this meeting; therefore, we have to adjourn again.' They had to adjourn again and again.

There were meetings upon meetings. There was restricted access to information by some parties. There were delays due to nonattendance. In the end, what was 'engineered'—and I use that term quite loosely—was an outcome, I believe, that was a genuine 'engineering' of the process.

The outcome was to pay off the claimant. It was an outcome that shielded the employer but for which the WorkCover Corporation bore all the cost, which then disperses to being a cost to the broader system. The method used to engineer the outcome was very creative. I believe that that process and that example speaks volumes about the way the current system has gone about things.

The length of the process, I believe, was a denial of justice to the employee. The length of the process came at huge inconvenience to the employer, and the length of the process came at greater and greater cost to the corporation. It was, I believe, an awful process and one that we need to seek to fix with this legislation.

A number of people I have talked to who work in this field have lamented that justice under the current system often depends on which judge you get. It is a bit of the luck of the draw. If you get certain judges, they are going to lean one way; other judges are going to lean the other way. The bias of those judges very much affected the outcome. It was something that was spoken about with such regularity it became one of those long-running jokes, and everybody was resigned to accepting the system as it was.

We are seeking to create an entirely new system. To a certain degree, I do not believe that is a bad thing, but my question is: how will this system be any different? I reread the bill this morning with a view to trying to understand how this bill will be different, and there are some questions I will be putting to the Attorney later on.

Another part of this system which we are seeking to change and which, I think, very much needs changing is the medical panels system. Having not had too much involvement with them but reading this year's budget, I understood that in the 2013-14 financial year there were 230 applications that were brought before the medical panel at a total cost of $8.662 million. Simple mathematics tells me that the average cost per claim that was transferred to the medical panels was $37,500 per claim. As the son of a sausage maker, trying to understand how those figures add up really did boggle the mind. So, any attempt by the Attorney to fix that situation I would wholeheartedly support.

In the briefing we had a number of weeks ago, the Attorney talked about wanting to get rid of duelling doctors. There are duelling doctors in two parts. We talk either duelling doctors when it comes to going through the tribunal process or duelling doctors when it comes to a claimant going through the normal WorkCover process. Last night, I tried to tease out some of the questions with regard to the normal process, and I must admit that the answers were a little vague, and that may have been possibly due to the advancing hour. I will give the Attorney another opportunity today to assist in appeasing those on this side of the house that this bill will indeed help to fix those issues.

There are a number of other issues I want to tease out today, such as the difference between 'compulsory conference' and 'compulsory conciliation conference', and I am sure that answer will be enlightening, as the Enfield enlightenment has come to be so. There is also the issue of understanding why conciliation officers need to have gender, social and cultural diversity. It seems to me to be a rather random cracking of the whip that we are asking conciliation officers to be employed on the basis of various degrees of diversity, when other officers, either within the corporation or within the employment tribunal process, are not. It seems a rather random cracking of the whip, especially when I understand that you get only one conciliation officer per conciliation conference. I cannot understand how a diversity of use can be encapsulated with one person, but I will move on.

The last point I would like to make is that the Attorney and the government are seeking to have the strongest possible concurrence from members of the opposition. In the process yesterday and today, what I and other members on my side of the house are seeking to do is to get a greater understanding of the system and a greater understanding of the changes and, hopefully, to have a greater level of confidence in the changes that are being proposed.

Our questions yesterday and today do not represent our seeking to delay the process or seeking to be difficult. I do appreciate the Attorney's attempt to answer questions in a fulsome manner, and we are merely trying to get a deeper understanding so that we can have a better system overall. We are trying to help the Attorney to understand our process so that, when we do come out the other end with a finished act, it is indeed the best that it can be.

Mr WILLIAMS (MacKillop) (16:32): I will take the lead from what has just been said, and apparently the words of the Attorney, and I will try to be plain speaking—

An honourable member interjecting:

Mr WILLIAMS: —but I hope to be brief as well. I remind the house of our leader's comments about this bill, the South Australian Employment Tribunal Bill, and the opposition's thoughts about why we are establishing another tribunal. When I read the bill, I think that it is even worse than that. We are actually re-establishing the existing tribunal, from my reading of it, and I will go to that in just a moment.

When the Attorney revealed just on 12 months ago or thereabouts that the system was buggered, a lot of us said hooray because a lot of us had been saying something along those lines for a fair while. Part of the system is the tribunal, and it seems that the Attorney wants us to believe that, in the legislation which controls the things we discussed yesterday in the Return to Work Bill, other things that had nothing to do with the disputation and the tribunal were buggered. I do not think that is the case, and the reason I say that is that I recall the WorkCover annual report, which was released about this time last year, and that is the latest report we have to go on.

I recall the then chairman's comments in that report, which included the statement that we had to do something about the disputation within the system, that the rate of disputation in the South Australian WorkCover system was higher than in any other jurisdiction. He went on to say that the longevity of those disputes was greater than in any other system. The Attorney says, 'And that's why we're changing it,' but I question whether we are changing it, Attorney, and I will come to that in a moment.

What I do know is that we have just been through a process of establishing another organisation called SACAT (a civil and administrative tribunal in South Australia) to handle, I would have thought, these sorts of disputes. Creating that new body would, amongst other things, give us an opportunity to break old cultures because one of the problems we have had in WorkCover has been a cultural problem, one that has gone on for far too long. I talked earlier about the 28 years of the existence of the previous legislation, and in that time we have certainly established a culture in South Australia.

I also want to bring to the house's attention a comment the Attorney made to the house in question time only this day. When the question was put to the government about the recent announcement to get rid of, amalgamate and otherwise look at the management of all sorts of boards and committees that report to various parts of the government, the comment (which I thought was a really smart comment by the Attorney) was, 'The obvious question is: should we be one rather than many?' In defence of the government's desire to get rid of all sorts of boards and committees and advisory groups, the Attorney's attitude is, 'Why would we have many when we can do the same job with one?'

The Attorney has just brought legislation to the parliament for us to establish a SACAT and shortly thereafter brings another bill to us to establish another tribunal to basically do the same sort of work. When I read the bill, I was really concerned. I believe the bill is setting up the employment tribunal as a subset of the existing Industrial Relations Court. The Attorney shakes his head, but let me read clause 10—Appointment of President:

> The Senior Judge of the Industrial Relations Court is the President of the Tribunal.

The same person will be the Senior Judge in the Industrial Relations Court and the president of this tribunal. I go on and read clause 13—Appointment of Deputy Presidents:

> A Judge (other than the Senior Judge) of the Industrial Relations Court is a Deputy President of the Tribunal.

My reading of that is that all the other judges of the Industrial Relations Court are automatically deputy presidents of the employment tribunal, yet the Attorney-General will have me not think that this new tribunal is merely a subset of the Industrial Relations Court. The Attorney shakes his head, but that is the point I am making.

I made the point that I think we have had a cultural problem with the resolution of disputation within the WorkCover system, and we have had it for a long time. I think that the Attorney-General was right when he said the system was buggered, and he never turned around and said, 'This part of it is buggered, but the disputation part is not.' The longstanding chairman of the WorkCover board only 12 months ago in his report stated that disputation was a significant problem, and I think this bill just transfers that pre-existing problem into a new tribunal. I have a grave concern about that.

I have a grave concern about some other matters in the bill, which I will raise in the committee stage, but the position that the opposition has stated is that we think the matters under dispute within the new return-to-work arena should, indeed, come under the jurisdiction of the newly formed SACAT. That would do two things.

Ms Chapman: It would save money.

Mr WILLIAMS: It would certainly save money. It would fulfil what the Attorney said in question time today when making the point: why would we have many when we can do the job with one? It would be a cultural shift, and I think that is what we need as much as anything in this whole process, and it surely would do what the SACAT is designed to do, that is, step in and effectively manage fair and equitable resolution to disputes that arise under the return-to-work legislation. I will conclude my comments there, but there are some other questions on a couple of aspects I want to raise in the third reading.

Mr TARZIA (Hartley) (16:41): I also rise to support this bill. As we have heard, the opposition will support it in this place and reserve its right in the other place. I note it is a thin bill. A thin bill is a good bill. It is much thinner than the other bill we had to read a few weeks ago which accompanies this bill. No doubt, in future years to come, it will be seen as a crucial part of the Enfield enlightenment, as the member for Schubert has pointed out.

As the leader has said, we need to get on with this. We need to get on with these reforms that have been a long time in coming, and as soon as possible, because businesses are certainly suffering out there and employees are not getting the best deal in this area. We need to do what we can as an opposition and a government to work as expeditiously as possible to make sure that this broken system is fixed.

The tribunal which is aimed to be set up by this bill is a good thing, with jurisdiction to review certain decisions arising from the return-to-work scheme which is planned to commence on 1 July 2015. Like other tribunals, it will aim to provide efficiency in terms of cost and time and, hopefully, it will be extremely transparent and accountable and headed by a president who will hold a concurrent office as a judge of the IR Court. I really hope that it does work as a one-stop shop for employment litigation and, in regard to that, I will talk a little bit about ADR, and I note that ADR has an important emphasis in this bill and that is also a very good thing.

Legal costs and the cost of litigation, obviously, can be extremely high. A lot of the time, workers cannot get access to justice because the court system is extremely costly for them, so I think it is important to have, conversely, a cheaper, easier flexible alternative to costly dispute resolution, and I have pointed that out in other speeches.

In relation to the structure of the SAET, as I will call it, obviously we have heard comments. Generally, I consider it to be quite well constructed. However, I would say that I ask for government support in the appointment of conciliation officers, in that I would ask them to think wisely, and I would like to see a statesman-like approach to this. I know I might be a bit idealistic, but I really do not want this to become a partisan issue. It is extremely important if this is to work and if the government intends it to work well. It is fair to say that over the 12½ years of the government's history we have

certainly seen some unfortunate appointments, if you like, in various areas. I hope this does not continue in that light.

Overall, I believe that shortening the time frames of disputes where we can, through the conciliation and the alternative dispute resolution mechanisms provided by this bill, will certainly help the justice system and take a lot of strain off the justice system we have at the moment. We all saw during the estimates process the long delays that are being experienced in the justice system at the moment.

I note that this tribunal, once set up, will perform similar functions to the SACAT. It will settle disputes of facts, not necessarily law, and questions of law are also able to be appealed as well. I reiterate what the Leader of the Opposition said to this place earlier today. I honestly question the government's wisdom in not rolling the SAET into the SACAT and I ask the Attorney to clarify. Why wouldn't you just roll it into one? Since we are here and we are keen to work with you, why wouldn't we just get it out of the way? Looking forward when trying to work with the government, I do not want to be looking at this in future years. If we are going to make this happen, let's get it out of the way right now.

In terms of alternative dispute resolution (ADR), I note that in the act there is quite an emphasis placed on the role of ADR in proceedings which come before the tribunal. The bill provides the tribunal with some scope at an initial directions hearing or at any other time to ask the parties to attend conferences that are compulsory or refer to any aspect of the matter for mediation by persons listed as a mediator by the tribunal. That is a good thing because so many disputes at the moment proceed to litigation and trial unnecessarily and, therefore, it is in a setting like this, a tribunal, where it is much cheaper and more informal that I think it is a good thing to allow these disputes to be settled much more easily. Not to mention they are also going to save the taxpayers' dollars by resolving them sooner without the formal proceedings before a court.

I also support this bill. It is important to reiterate the reservations which we have and which will be addressed in the other place and I will be asking the Attorney to consider those comments. I expect all those answers to be suitably addressed and resolved in committee.

The Hon. J.R. Rau interjecting:

Mr PEDERICK (Hammond) (16:47): Don't panic, Attorney. I rise to speak to the South Australian Employment Tribunal Bill 2014. I note in the Attorney's opening comments of his second reading speech that the South Australian Employment Tribunal will have similar functions, powers and operating approaches as the newly established civil and administrative tribunal and how efficient and cost-cutting it will be. If it is that good, as the members for Hartley and MacKillop have reiterated, why not roll it into the SACAT? I am sure the Attorney will address that issue either in his address at the end of this or in committee.

Obviously at the minute under the WorkCover Corporation, the Workers Compensation Tribunal deals with disputes under the Workers Rehabilitation and Compensation Act 1986 and, with the Return to Work Bill that we were debating yesterday, the government is saying it needs a fresh approach to the resolution of disputes. I just hope that with the passing of all this legislation that has been put to us—and put to us in quite a hurry in the last few days to get it through—that we get real change. As I indicated in my Return to Work Bill contribution, we have had some grand statements made in this place before by former members of parliament who said it was the best day of their life that we were moving on schemes in regard to WorkCover, and none of that came to fruition.

I note that this bill proposes that the tribunal will be led by a president, supported by a range of deputy presidents, magistrates and conciliators, and then there will be at least one deputy president of the tribunal being a judge other than the senior judge of the Industrial Relations Court.

Obviously if this bill is enacted there will be the employment of conciliation officers who may be legally qualified but who may also be experts from different fields. The legally qualified officers must have at least five years standing as legal practitioners. With regard to the other conciliation officers, it will be up to the minister to decide how much knowledge they have, how extensive that is, and what their expertise or experience is in relating to a class of matter which may be discussed within the tribunal. The bill also clarifies members of the tribunal, which in particular circumstances

will be considered the presiding member. This can be flexible throughout the tribunal in the hearing of matters and there is an order of precedence amongst members of the tribunal.

The matters that will come before the tribunal will be dealt with as a review of the original decision. The tribunal will obviously examine the decision of the original decision-maker by way of a rehearing, but the original decision-maker can reconsider their decision working with the tribunal to get to the end result. They will be invited to do that by the tribunal and the original decision-maker may affirm, vary or set aside the decision and substitute a new decision.

The bill sets out the principles of how the tribunal will act, rules of evidence, formality and inquisitorial approach, and acting according to equity and good conscience are just part of those principles. Then a range of evidentiary powers were brought into place about how evidence can be obtained, how processes are used, control parties, and how certain powers are proposed for inclusion, but they will be discussed throughout the committee stage of the bill.

With regard to the tribunal, the practice and procedures of the tribunal will be set out, and the bill sets out the conduct of proceedings and interaction of parties to proceedings. In relation to mediation or conferences regarding settlement of claims, parties can be required to attend a compulsory conference or it can go to mediation with a mediator as specified by the tribunal. I think also what happens in the process is that there will be the right of appeals. The bill outlines how staff can be hired. There will be at least one principal registrar and they will be supported by one or more other registrars to be known as deputy registrars.

When I began my short address, I did ask why there could not be some more streamlining done. We have seen the government in recent days wanting to streamline boards and committees, and I think this could have been managed under the SACAT. My one great hope with this legislation, in line with the Return to Work Bill, is that we get some real outcomes for the employers and the employees of South Australia, because when you have a system that has blown out to close to $1.4 billion in deficit, it is just totally untenable.

One thing I will say is that at least the Attorney-General has recognised that and he has the courage of his convictions to bring this legislation into this place but, as I said in my contribution to the Return to Work Bill, the proof will be in the pudding; that is, when we do not have people complaining about 7.5 per cent WorkCover rates for work that, quite frankly, I do not think justifies that level of rate and when workers get decent outcomes. Let's not live in Fairyland because not everyone is going to be happy with these outcomes, but we must have far better outcomes so that we can promote employment in this state, and so that we can promote the idea of people running businesses in this state instead of the opposite. I commend the bill.

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations) (16:54): Can I thank all the members opposite who made contributions. I will respond to a number of the things they have raised in my closing speech in the hope (a vain hope perhaps) that that will mean that many of the things that might have been otherwise explored later on will be already explained and will not need to be canvassed or at least canvassed as in-depth.

Can I talk a little about how this is intended to be constructed and how it differs from the present scheme. First and foremost this is designed to be an inquisitorial scheme as opposed to an adversarial scheme. In other words, the presiding officer of the tribunal has control of the matter not the parties. The presiding officer obviously listens to the parties and hears from them and whatever, but they are not able to basically take the presiding officer and the whole tribunal on a ride they do not need to or want to go on.

In that sense it is a little more like the way in which the Coroner's Court behaves than an ordinary court, and this is not a court, it is a tribunal. That is point number one; it is intended to be inquisitorial. The second point which was raised by one or another of the contributors, I think by the member for MacKillop, concerns medical issues. The medical issues point here is quite simple: there will be an accreditation scheme, and we dealt with this last night in the conversation about IMAB.

Members need to understand that these two bills are interlinked in many spots so it is pretty difficult to talk about both of them in isolation. The idea of surgically excising this tribunal from the whole scheme is rather complex for that reason, amongst others. In terms of the medical people who

will be appearing before this tribunal, first of all they will have complied with some form of accredited training program that means they are competent and capable of providing WPI assessments and other relevant medical opinions.

The second thing is that they are going to be looked at from both from the employer and employee perspective as to whether or not they are barrackers nonetheless. We are attempting to have a relatively refined pool of medical practitioners, and that gives me some degree of confidence that we will have a higher degree of consistency in the types of medical evidence that comes forward.

The next point I would make is that the question sitting around here is: why this and why not SACAT? There are a couple of points to be made about that. The first point is that SACAT does not yet exist and, if what is going on in another place continues, it may not exist for the foreseeable future.

Ms Chapman interjecting:

The Hon. J.R. RAU: It exists as an empty shell; it does not exist as a functional organisation. If what is going on somewhere else continues to go on much longer, it definitely will not be operational this year and may not be until at least the first quarter, if not the first half, of next year. That is not in our hands; that is in the hands of people somewhere else. The point is there may not be any SACAT for it to go to and, if anyone is serious about fixing that up, simply opposing this crazy last-minute proposition about excluding the Guardianship Board might be a way to achieve that.

Ms Chapman interjecting:

The Hon. J.R. RAU: Up there. So there is no SACAT to put it into. The next point is that nobody in SACAT has had a conversation about this, and they have had no time to do any working up or preparation on this at all—zero. They have been totally focused on the Guardianship Board and Residential Tenancies and they are not tooled up or ready to do it even if they were wanting to do it because nobody has given them any chance to be prepared for it.

What does this scheme basically do? It basically says, 'We are going to impose a different regime in terms of the management of claims and disputes to the existing one.' It will be an inquisitorial regime. It is going to have different evidentiary requirements, it is going to have different medical assessment models, it is going to have different cost rules, and a whole bunch of things which are quite different. We will start off, because there could be questions of law, using the existing complement of judges in the industrial court as the deputy presidents. They all have experience. It does not involve me or the government picking anyone in particular; they are an existing pool of people.

The intention is that there would be a call in respect of the review officers whose terms are for five years. That would mean existing review officers could apply, new people could apply. My intention would be to have some sort of arm's length selection process whereby those people are assessed by reason of their capability for office. That would be the method by which there would be appointment, and they could continue to occupy the same premises where they are presently operating.

The member for Bragg asked about consultation. Yes, there has been consultation. There has been consultation about this with the people at Riverside. I believe they would prefer this model to being rolled into SACAT for many of the reasons I have already mentioned. Members need to realise, too, that that place down there is a very complex place; the member for Bragg touched on it. You have an industrial court, which is populated by people who are also District Court judges, you have industrial magistrates, who are also regular magistrates for the purposes of the Magistrates Court Act, you have industrial commissioners, and you have a workers compensation tribunal.

The industrial commission also has deputy presidents, some of whom are judges—I think all of whom are judges—and then there are commissioners who hold dual commissions (state and federal commissions), who zip in and out of the place according to requirements. It is quite a complex little environment down there.

Obviously I am more than happy to try to answer any particular questions as we go through, but there are a couple of specific remarks that I want to make. First of all, member for Schubert, I am

delighted that you went to that degree of research for that piece. You would note the bits that are not in quotes are not my words, so I cannot be held accountable for what the journalist, excellent though he is, might have decided to say. I was reflecting on a couple of the remarks the member for Schubert made. In the first one he gave us quite a bit of disclosure about internal house dynamics.

The only thing I can say about that is that I was formerly, many years ago, fortunate enough to be an employee of Mick Young for a period of time. As he described it, he was a member of the one true faith, a claim that I cannot make. He often used to tell people who had problems that 15 Hail Marys would probably fix up whatever was wrong. I do not know exactly what that means, but evidently if you are in the club you know exactly what that means. At the risk of making a rather poor pun, I think there was just one snag in your comments, member for Schubert. The other point I would make is that, when I heard you speak about being the son of a sausage man, that made me reflect on the great words of Dusty Springfield, which were, 'The only one who could ever reach me was a son of the sausage man, yes he was, yes he was.' That is just for you.

In respect of this disputation thing—if I can temporarily get back on to that—there will be less moving parts in the scheme, therefore less grounds for disputation, therefore less opportunity for disputation, more early intervention with the mediation, and suchlike. My anticipation is that the number of things that will wind up in a full-blown conflict situation will be much less than presently is the case.

The intention is basically this: there is a determination at the review officer stage. There is then a full de novo hearing, in effect, where the parties can chuck in any evidence they want, whether it is before a conciliation officer if it is a simple matter or before a judge if it is more complex matter, and after that appeals are on matters of law and not on let's hear the whole thing over and over again. Of course, the other thing, listening to the very positive comments from the member for Hartley, is that I would like to say, first of all, happy birthday. I bet he never anticipated spending his birthday this year sitting in here but here he is, living the dream.

I think I have mentioned the conciliation officers, but I sincerely say to the member for Hartley that the spirit of 'Let's all get together and do something about this,' is something I welcome, particularly from the younger members of the opposition, who appear to be quite positive about things, which is excellent. As I was listening to the member for Hartley's contribution my feet started tapping and I moved back into *Strictly Ballroom*, and it was John Paul Young and *Love is in the Air*. That is where we got to with you, but happy birthday anyway, and thanks for those positive comments. It is nice to see people being constructive. I will do my best to answer questions in the committee stage.

Bill read a second time.

Committee Stage

In committee.

The Hon. J.R. RAU: I would like to say one quick thing at the beginning of the committee. We have a number of amendments here. Most of them are repetitive, and I just give members notice that we are still looking at further fine-tuning, which I will give them notice of if there is anything further between the houses.

Clauses 1 to 5 passed.

Clause 6.

Ms CHAPMAN: At present in the debate we have largely been considering the question of workers compensation disputes, currently the purview of the Workers Compensation Tribunal, as being the core business of this new tribunal. Because this independent, one-stop-shop type approach for industrial matters has been promoted as part of the reason it is important to have a separate court structure, where an employee elects to pursue a common law claim, for whatever miniscule amount that might be, and given the hurdles to overcome even to apply let alone face the threat of forfeiting other entitlements, for that brave soul who might make an application, is it anticipated that this tribunal will also hear common law dispute matters arising out of the tort, arising out of a workplace injury?

The Hon. J.R. RAU: As far as I am concerned the answer to that is no. The situation in respect of common law matters is that they would be dealt with either through, I guess, at that magnitude, the District or the Supreme Court. The only caveat I put on that is that some of these judges are notionally District Court judges. But this is not intended to be a court anyway, it is a tribunal. So the answer is no.

Divining where your question might be heading, it is conceivable that there are some functions sitting around the place, disciplinary functions or whatever they might be, which would ultimately be conveniently placed here. Where it says that the tribunal has jurisdiction conferred by statute, that is meant to imply that at some point in the future it may be deemed appropriate that some other functions be put in there. However, if they were to be put in there (if I can take you to clause 23), the anticipated situation is that they would be streamed. So whilst this would be a body that, at a high level, deals with employment matters, at the present time it is contemplated that it is just this workers compensation jurisdiction.

Let's say, hypothetically, that some disciplinary things popped in there, then there might be a disciplinary jurisdiction. If the work currently performed by the state Industrial Relations Commission were something that could be put in there—I am not saying it is; I am just saying that, again, that is an employment sort of matter—and it was conferred by some jurisdictional matter, first of all the parliament would obviously have to confer it and, secondly, the architecture of this thing is intended to say that that would constitute, as in SACAT, a separate stream, just as the guardianship bit and the residential tenancies bit are separate streams.

If there were industrial—and I am talking in the broader sense—streams which ultimately were devolved into this by the parliament at some point in the future, clause 23 enables there to be created a discrete stream so that the particular requirements of that jurisdiction, should it be granted, could be accommodated as a discrete element. That does not mean that all personnel for both elements would always be completely separate, but it does mean it is a discrete stream.

Ms CHAPMAN: Is it proposed that the South Australian employment tribunal will physically be located in the premises currently occupied by the Industrial Relations Court and tribunals?

The Hon. J.R. RAU: For the time being, yes, because I think there are existing leases. They have plant, equipment and God knows what; there is no reason for us to disturb that. Also, even if this goes through, there will be a transitional period where there will have to be a run-off, up to a certain point, of old claims being dealt with under the old system, and it would be ludicrous to separate the whole thing out.

Ms CHAPMAN: We will come to the personnel in a moment, that is, who is going to take up the positions within this tribunal, but at present, as we have already identified, the Industrial Relations Court, which is an entity that will continue, obviously, even as an appeal body to this tribunal, is still going to be in existence. At the moment, they comprise the same personnel you are proposing to support the operation of this new tribunal.

We are going to continue to have, for the time being, this new tribunal. The other responsibilities are health practitioner disciplinary, licensing, dust disease, commission responsibilities, which has slightly different personnel, but some overlap again, and the continuing Industrial Relations Court, which has other matters, even prosecution, together with being an appeal court to this new entity.

As I say, many of the personnel overlap in that regard, so my other question is whether, down the track, it may be that a common law claim by an employee against an employer, arising out of an industrial accident, could be heard, subject to the jurisdictional limit, by one of the industrial court/District Court personnel; is that possible?

The Hon. J.R. RAU: It is possible, but I make the point that, firstly, such a person would only be hearing it in their capacity as a District Court judge, not as an industrial court judge, and, secondly, the registry in which that application would be filed would be the District Court registry, not the industrial court registry or this tribunal registry. So, the probability that the presiding judge of the District Court would, for the first time ever, allocate such a matter to somebody who is outside the

court and then have to negotiate with the senior judge of that court in order to secure the opportunity for that to happen, is so small I just do not think it is going to happen.

It is true that a person who holds a commission as a District Court judge could, if the head of the industrial court and the head of the District Court agreed, be allocated work across those boundaries, as has happened with dust diseases and as has happened with liquor licensing. I can assure the member for Bragg that there is absolutely no intention on my part that there be any common understanding or any practice that a common law matter arising by reason of the amendments we have made earlier today would be dealt with in any other way than a normal common law matter filed in the registry of the Supreme or District courts.

Ms CHAPMAN: What about the equal opportunity disputes—again, industrial flavour—often in relation to employer-employee disputes? Is it likely that that jurisdiction is going to be transferred for its resolution in this new tribunal?

The Hon. J.R. RAU: The present plan with those is that they would be rolled into SACAT, and that is in the absence of there being this alternative available. I do think that if this alternative is available, because sometimes an industrial issue about workers compensation involves bullying or it might involve allegations of discrimination, there is some common sense in having those dealt with in a single forum. But in the work we have done so far on EO, we were doing it in the context of there being only one option, which was a stream of SACAT. It might well be that, if this is passed, because it is a relatively small jurisdiction anyway, there would be some sense in that being moved into here.

Clause passed.

Clauses 7 and 8 passed.

Clause 9.

Ms CHAPMAN: In relation to the members of the tribunal, following this clause, set out in more detail, are the functions of the president and the deputy presidents but not magistrates. Clause 15, which is coming up, sets out the fact that magistrates can be appointed. There are similar arrangements relating to their establishment, but they do not actually have any functions as apply to the president or the deputy president.

Unsurprisingly, the Law Society has asked: what is the intended function of magistrates and do we need them at all? That is not to say that, under their current role, they are not doing good work. Mr Ardlie and Mr Lieschke are both magistrates, and this is no reflection on either of them. I place on the record that I know Mr Ardlie from practice and that I have met Mr Lieschke, although I do not know him personally. This is no disrespect to them, but you have not made any provision for them in this bill in terms of what their function will be. Can you tell us what is going to happen there?

The Hon. J.R. RAU: Yes, I can—and, again, a good question. Bear in mind what I said before about the potential under clause 23 for there to be an alternative stream; for instance, there is a whole bunch of things that the magistrates presently do, such as underpayment of wages claims and various other matters—

Ms Chapman interjecting:

The Hon. J.R. RAU: Yes, exactly, criminal prosecutions—a whole bunch of things. If it were decided that a stream would be created to encapsulate that work, we would have to create a facility for magistrates. That is the first point. If it is there anyway, it is part of the future-proofing, if you like, for potential jurisdictional enhancements in the future. The second point is that, if you look at clause 13(2), the way I read that and I have understood that to be is that there would be nothing to prevent the Governor nominating a magistrate to become a deputy president—

Ms Chapman interjecting:

The Hon. J.R. RAU: Clause 13(2), page 9.

The CHAIR: Line 17 or 18.

The Hon. J.R. RAU: No, it is 21:

The Governor may, on the nomination of the Minister, appoint a person who is eligible for appointment—

Ms CHAPMAN: That could be anyone with five years' legal experience or whatever. Is it intended, then, that the current magistrates in the industrial court are to become deputy presidents under your new proposed—

The Hon. J.R. RAU: Not necessarily. It may be the case. It is partly a question of workload and skills base. There is no doubt that Magistrate Lieschke has considerable experience in the area, and it is highly likely that he would be of value. Magistrate Ardlie is not a deputy president, as I understand it, presently. Whilst he may have done enormous community service by occasionally being entertained by Mr Moore-McQuillan, I believe, on special events, he has basically not been in this jurisdiction. That would just be a matter—

Ms Chapman interjecting:

The Hon. J.R. RAU: Sorry, I am advised he is an auxiliary already, so yes, it might well be that one or both of them are put in. As I said before, and I will say it again, my expectation is the volume of work, once things settle, will be less than the volume of work is now. That is my expectation, but that is in the context of there being a run-off of existing matters in the pipeline after 1 July, which will take some time. I do not know exactly how long, and that will keep everyone occupied for that period, and then there will be a period as the new ones start to filter into the system. It might be that there is a point in time where the combination of the run-off and the new matters entering the system actually create a bubble in the total workload.

Clause passed.

Clause 10.

Ms CHAPMAN: The Senior Judge of the Industrial Relations Court is to be the president of this new tribunal, so it is a he and he is currently in place. What are his terms in respect of employment? Does he just continue under his current contract as a District Court judge for retirement at 65 or 70, or is he someone who is already on the up-to-70 provision?

The Hon. J.R. RAU: Part of the reason for this was to actually make it clear to anybody reading this thing that the government was not about picking winners. We were just saying, 'Look, here is the existing complement.' Judge Jennings is the Senior Judge of the Industrial Relations Court. He has a tenure until the age of 70 and, therefore, whoever that judge might be from time to time would, by reason of being the Senior Judge of the Industrial Relations Court, attract the office of president of the tribunal. We did have an alternative, theoretically, which could be that the government could nominate whoever they want, but it struck me that the more transparent and accountable way of doing it would be to say, 'These people are there. They will basically be the people who will be picked up by the scheme.'

Mr WILLIAMS: Technically I should be asking this question further on but I will—

The CHAIR: Technically you shouldn't be asking this question? Then sit down.

Mr WILLIAMS: No, I said technically I should be asking it a little further on, but I will ask it now while we are on this. Was I right in my summation in the second reading that all the judges of the Industrial Relations Court automatically become deputy presidents of the tribunal under the same—just carry on?

The Hon. J.R. RAU: Yes. In much the same way that they are presently deputy presidents of the tribunal, so they would, in effect, in that transitional position have four roles: District Court judge, Industrial Relations Court judge, Deputy President of the Workers Compensation Tribunal, and deputy president of this. Possibly also Deputy President of the Industrial Commission.

Clause passed.

Clauses 11 and 12 passed.

Clause 13.

The Hon. J.R. RAU: I move:

Amendment No 1 [IndustRel–2]—

Page 9, line 27—Delete '65' and substitute '70'

Ms CHAPMAN: Of the current judges who are going to be the deputy presidents, there is provision there for them to retire at 65 years. It is subclause (4)(b). Is there any reason why that was originally proposed at 65 years? The reason I ask is that under the SACAT Bill it is five-year appointments, so it is somewhat different.

The Hon. J.R. RAU: This is one of those points where, given that we are dealing with an existing complement of judges and given that they are there by reason of their appointment until the age of 70, it would be kind of weird if they were there until 70 but at 65 they stopped being on this part, so that is just to align those two things.

Ms CHAPMAN: For the purposes, then, of understanding the distinction, this is exactly the same model of tribunal as the SACAT. Why is it that this is different to the SACAT umbrella bill, which makes provision for people to have five-year terms of employment? In the two jobs we are talking about, which is Mr Parker's and Ms Cole's positions, why are they on five-year contracts and why is their tenure not for the course of their time that they are Supreme Court and District Court judges?

The Hon. J.R. RAU: That is, I guess, a fair enough point. One of the slight differences in this environment is that we are moving into an already settled and established framework and we are simply trying to reflect the existing tenure positions. Both Judge Cole and Justice Parker have tenure until the age of 70 but not specifically in SACAT. That is the point you are making, isn't it?

Ms CHAPMAN: For as long as they are Supreme Court or District Court judges, which is a requirement for the purposes of being appointed president and deputy, they are in exactly the same position as these judges, that is, they have tenure until that time. I am just simply puzzled, because they are going to be continuing in a Supreme Court role and District Court role respectively and taking on the new responsibilities in the new tribunal, why they are not entitled to the same, I suppose, privilege of security of tenure in this jurisdiction which would sever, in any event, if they cease their judicial role independently of the tribunal.

The Hon. J.R. RAU: I understand the point and all I can say is what they have in common, all of them, is they have tenure until the age of 70. What is different is their tenure in the tribunal dimension. It was just thought that this is the most transparent way of dealing with this which would not involve there being a threshold appointment. What happened with Judge Cole and Justice Parker was that the government at some point had to appoint them for the first time. If we did not do it this way and we had just a five-year term, it might be argued by some, 'Who are you going to appoint on there?' Bear in mind they do not have to be District Court judges to be appointed as deputy presidents. They only have to be eligible to be a District Court judge.

What this was attempting to do was make it very clear to everybody reading this bill that if this bill passes you know exactly who and what you are getting. It is not going to be a question mark and then wait and see who the Governor decides to appoint in the fullness of time. Everyone will know exactly what is going on. If the opposition has an issue about that between here and there, I am happy to have a talk about it, but it was intended to make it very clear and basically depoliticise the appointment of these people because we are just picking up existing people. Otherwise, the Governor would have to appoint these people for the first time and that would raise the issue of, 'Who are you appointing for the first time?' because you can appoint anybody who is a lawyer of over seven years.

Ms CHAPMAN: I suppose the issue then really becomes this. Having already set up the umbrella for SACAT and made the five-year appointments as you have—I appreciate that is for the first time—instead of simply saying, 'I am going to nominate this person,' who might be the senior puisne judge, or whatever, of these courts, 'to be the person', it is known to us who you are going to be putting on this tribunal or who you are going to be transferring jurisdictions, effectively, and you are being open and transparent at this point.

But some could argue that it is actually the other way around, that is, you are setting up this tribunal to receive these people for a job that is in addition to their current role, or in some cases a continuation but a slightly different model of one of their current roles, but, on the other hand, the SACAT judges who have been appointed have not been offered that same opportunity. Sure, you get to pick them. You have already done that, and I am not suggesting that in any way they are unworthy appointments.

I just make the point that you have set up a separate model and we did not know at the time you were setting up SACAT that you were going to have a separate one over here. We thought it was all going to be happy families and everyone is going to be all in together. We now have this separate jurisdiction. I suppose, really, the question is going to be: is it the government's intention to offer exactly those same terms to Mr Parker and Ms Cole?

The Hon. J.R. RAU: I have no intention of doing that. I have not even turned my mind to it, should I say, which is the reason I have no intention. Between the houses, if the member for Bragg is sufficiently concerned about this matter, we can have further conversation about it. It was not intended to be anything other than absolutely transparent.

Amendment carried; clause as amended passed.

Clauses 14 and 15 passed.

Clause 16.

Ms CHAPMAN: The provision for the appointment of the conciliation officers is made in this clause. Under this clause a panel is to be established, and then I think it is for you, minister, to consult with the president about who goes on it. In other jurisdictions when we have dealt with SACAT, some of the persons in the professional category, as distinct from the counter staff and data processing people and the like, have gone through a process of application. I think it is fair to say that pretty much without exception those who have applied to transfer in these professional roles as distinct from judicial roles have been given an opportunity to take up a position in the new SACAT.

The Hon. J.R. Rau interjecting:

Ms CHAPMAN: There may be people that you have excluded, I do not know. I imagine there would be some who just elect to retire or do other things anyway, but for those who have asked to be effectively transferred to the staff they have the right to apply and the others have gone through a process. That has been pretty much without incident in that sense, and I am not being critical of that. I think we are changing the structure here, it does not necessarily mean we have to wreck people's employment life. Is this the same process that you are proposing here that you did for the first round of the SACAT appointments?

The Hon. J.R. RAU: Essentially it is an exact replica of that process.

Mr KNOLL: Referring to subclause (4)(c)(i) and (ii), can the Attorney give some sort of indication as to why for conciliation officers there is a need for balanced representation? The second part of my question is that I would assume conciliation officers deal with conciliation on a one-on-one basis. It is not a case of getting a panel of broadly represented people per matter. You are going to get one person. You are not going to get diversity for each matter.

The Hon. J.R. RAU: All I can say is that the member for Schubert makes a very good point.

The Hon. S.W. KEY: I was not going to ask this question but the member for Schubert has inspired me. It is a little bit different to what the member for Schubert has asked. I am interested to know why we need to look at gender representation for the conciliation officers—let's face it, we certainly need it in the industrial arena—and the membership of the tribunal but we do not have the same proviso for magistrates and deputy presidents. Admittedly, I know these people are in positions. With Judge Parsons moving from the position, I think that leaves the numbers down to one. As for the acting president and the appointment of the president, I wonder why we cannot have a general objective that provides we take notice of those matters, not just pick on, depending on your point of view, the conciliation officers.

The Hon. J.R. RAU: I think a combination of the arguments of the members for Schubert and Ashford has convinced me that those provisions are otiose in subclause (4).

Clause passed.

Clauses 17 and 18 passed.

Clause 19.

The Hon. J.R. RAU: I move:

Amendment No 2 [IndustRel–2]—

Page 13, after line 21—Insert:

(2a) A Full Bench of the Tribunal consists of 3 Presidential members.

Amendment carried; clause as amended passed.

Clauses 20 and 21 passed.

Clause 22.

The Hon. J.R. RAU: I move:

Amendment No 3 [IndustRel–2]—

Page 14, line 28—Delete 'Presidential member' and substitute 'Full Bench'

Amendment No 4 [IndustRel–2]—

Page 14, line 31—Delete 'Presidential member' and substitute 'Full Bench'

Amendment No 5 [IndustRel–2]—

Page 14, line 32—Delete 'Presidential member' and substitute 'Full Bench'

Amendment No 6 [IndustRel–2]—

Page 14, line 34—Delete 'Presidential member' and substitute 'Full Bench'

Amendment No 7 [IndustRel–2]—

Page 14, line 35—Delete 'Presidential member' and substitute 'Full Bench'

Amendments carried; clause as amended passed.

Clauses 23 to 26 passed.

Clause 27.

The Hon. J.R. RAU: I move:

Amendment No 8 [IndustRel–2]—

Page 16, line 11—Delete ', and give appropriate weight to,'

Amendment carried.

Ms CHAPMAN: Here we have the general nature of proceedings and this includes what jurisdiction they exercise. Under the Return to Work Bill the description of what they are going to be doing is outlined in clause 97, so assuming that bill goes through there is a list of all the roles that are going to come their way in that jurisdiction.

If the Return to Work Bill is not passed, I assume we will not have an employment tribunal, so I put this to you as a hypothetical. It assumes the Return to Work Bill in some form will go through and that there will be a list. What is going to be transferred seems pretty uncontroversial, but what has exercised some of the legal people is that, under section 89A(1) of the current WorkCover legislation, the jurisdiction handling workers compensation deals with a 'decision on a claim for compensation' as being reviewable. Now we are going to move from that general statement to this very prescriptive one.

It is fairly comprehensive, but often when you go to a prescriptive list some things get missed out. For example, if there was to be a decision made on what the amount was to be of a lump sum death benefit, that is not on the list, so I want to know how we cover that. Is it intended that it will actually exclude some of these things which currently could be within that very all encompassing clause?

The Hon. J.R. RAU: Part of the problem with the existing legislation is that there are an immense number of reviewable things. Some of them are very critical for an individual and some of them one might regard as being parsley on the side of the plate and not the main game, so what we have decided to do here is to try to be specific about what is reviewable so that people confine themselves to arguments which are actually critical to an individual's process and not tangential.

Ms Chapman: So the lump sum death benefit is included?

The Hon. J.R. RAU: My understanding is that it is. My understanding is that the lump sum death benefit is included. We will check between the houses and, if it is not, it should be.

Ms CHAPMAN: Just for the record, and I appreciate it is quite a comprehensive list, if there is any other area which it does not cover or if there is any other intention of the government that you want to cut out certain claims because they are frivolous, could you identify those between the houses as well?

The Hon. J.R. RAU: You will note here that there are powers to remove things that are frivolous.

Clause as amended passed.

Clause 28.

The Hon. J.R. RAU: I move:

Amendment No 9 [IndustRel–2]—

Page 16, line 25—Delete 'the review' and substitute 'a review'

Amendment carried; clause as amended passed.

Clause 29.

The Hon. J.R. RAU: I move:

Amendment No 10 [IndustRel–2]—

Page 17, line 13—Delete 'the review' and substitute 'a review'

Amendment No 11 [IndustRel–2]—

Page 17, line 18—Delete 'the review' and substitute 'a review'

Amendments carried; clause as amended passed.

Clause 30.

The Hon. J.R. RAU: I move:

Amendment No 12 [IndustRel–2]—

Page 17, line 32—After 'a review' insert 'of a decision'

Amendment carried, clause as amended passed.

Clause 31.

Ms CHAPMAN: I think I heard this during the contribution in reply on the second reading. Although this clause is written, as sometimes we see, to look like everything is in plain-speaking language about how this is going to operate so that it is clear to the litigants in these tribunals that everything is going to be simplified and easy to understand, having read this clause I am not sure that I am absolutely clear whether applications will be heard as a complete rehearing de novo or whether this will be a review because you are now using the language, if I can say that in a general sense, that looks like where there are review hearings, and you then end up with a bit in or out.

The Hon. J.R. RAU: The member for Bragg has touched on one of the other very important but, to less forensic people, subtle differences between this and the SACAT. In the SACAT, it is very much a rehearing of an administrative decision essentially on the basis of the material before the original decision-maker. In this case, if we were to do that, that would mean that a person who made a claim for compensation and then was unhappy with the outcome would be only able to go to the tribunal with the material before the original decision-maker, even if that was inadequate material, and argue within the confines of that boundary.

I have thought about this a lot, and I think that would be unfair to at no point in time give an aggrieved applicant for benefits under this scheme the opportunity of actually telling somebody all their evidence afresh. The intention is that they get one go, and one go alone, when they get the

opportunity of calling witnesses and all that sort of thing. That is at the level immediately above the original decision-maker. That is where they get the chance to actually have the hearing, that is it, that is the only crack they have at it. If they are dissatisfied with the hearing there, they only have the capacity to agitate it on limited grounds and with leave.

That is not the case with most administrative decision review procedures, but in that sense it will be a hearing de novo at that first level. While that process is underway, it is intended that concurrently, not awaiting the determination of anything, a message goes back to the original decision-maker, 'Hey, original decision-maker, do you realise the applicant before you a while ago is not happy with your thing? They have commenced proceedings in the tribunal. It will result in a hearing de novo, but if you wish to turn your mind to your decision and reconsider whether you think your decision is okay, and on review of the papers you work out you didn't read something, you did not get the date right or something, you can notify us that you've changed your mind and everything stops.'

One of the problems, and the thing that annoys a lot of people, is that at the moment there is a notional reconsideration by WorkCover of the original decision. Nobody has much confidence in that because it is like Caesar reconsidering Caesar, but while that reconsideration is going on everything else stops. Until that reconsideration has been finished, the next bit—the reagitation of it before a tribunal—cannot begin.

What we are saying here is that the day you press the 'I'm unhappy' button, it gets you into the framework of the tribunal. At the same time, a message goes back to the original decision-maker, 'You can please yourself, but it would be smart of you to review your papers, and if you're wrong tell everybody now before we waste a lot of time and effort in having a full-blown hearing about it.' That is how that is meant to work.

Clause passed.

Clause 32 passed.

Clause 33.

Mr WILLIAMS: Minister, you might disabuse me of my ignorance on this, but the evidentiary powers in clause 33 seem, to me at least, very draconian. I have come across this sort of thing where the right to remain silent seems to be—

Ms Chapman: It's exactly the same as SACAT.

Mr WILLIAMS: Exactly the same as SACAT?

Ms Chapman interjecting:

Mr WILLIAMS: Well, I still raise this point: where I have seen this before, certainly in an attempt by your government to bring in these powers to take away the person's right to remain silent, has been in some environmental law. I just heard that it is exactly the same in SACAT. Do we have any other law on the statute book where these rights have been removed?

The Hon. J.R. RAU: Can you point to a bit that you are really concerned about? I think what this is saying is that they can make orders to get material, they can ask you to come in and you can tell fibs in front of them—

Ms Chapman: It's an informal subpoena.

The Hon. J.R. RAU: It's an informal subpoena. Interestingly enough, because we are trying to make it clear that this is not a court, if you go on to page 20, and in particular line 10, one of the original cuts of this had something about them having the power to punish for contempt. I said, 'No, no, no, that comes out because this is not a court.' There is an offence—

Ms Chapman: It is a misbehaviour penalty.

The Hon. J.R. RAU: It's misbehaviour penalty, which in turn would have to be prosecuted before a court. Isn't that good? It means it is not a court.

Mr WILLIAMS: Minister, I draw your attention to the top of that page, where paragraph (d) provides:

> (d) refuses or fails without reasonable excuse to give evidence before the Tribunal or otherwise refuses or fails without reasonable excuse to answer any question put in proceedings...

The Hon. J.R. RAU: I do not see anything here which overrides the natural privilege against self-incrimination. I think any court would interpret those words as meaning subject to the right for an individual to say, 'I refuse to answer that on the grounds' unless it is explicitly taken away from them—and it is not. My reading of this is that a person still could say, 'Sorry, I'm not answering that because it will incriminate me.'

Mr WILLIAMS: I am happy with your interpretation.

Clause passed.

Clause 34 passed.

Clause 35.

Mr KNOLL: I have shoehorned this in because I assume that expert reports may be brought in by medical practitioners. In my speech earlier, Attorney, I referred to the concept of duelling doctors. In your briefing, you said that there is the opportunity here for the corporation or the tribunal to appoint a doctor. An accredited doctor will then give evidence, and that evidence is the evidence and there is no opportunity to enter into anything else. So when the tribunal calls for a medical witness, that evidence is the evidence. Is that correct for the tribunal, and is that also (and I am digressing a little bit, and seeking your indulgence here) the same in the normal course of a dispute? So if it is a normal claim, and there is a duelling doctor situation, is there still the ability for the corporation, as well as the tribunal, to say, 'Look, this is the person you have to go see, and this person's view overrides any other view'?

The Hon. J.R. RAU: That is a very good question, and here is one of the novel bits and pieces in here. At the point that something comes to this tribunal, if the dispute is a medical dispute, there are already contending positions, because the injured worker has gone off and got a report from somebody that says, 'I think you're 10 per cent,' or whatever, and the corporation says, 'No, you are five.' You have those two as evidence.

Each of those parties comes to the tribunal and says, 'Look, there is a difference of opinion here. We want you to nut it out.' What clause 35 says is that the tribunal then says, 'Okay, we will nut it out. We will call a completely independent medical witness; not one of yours and not one of yours. We will give them your medical reports, we will ask them any questions either of you think need to be asked, and they will provide advice to the tribunal—which, of course, you will hear because you are present before the tribunal.'

The important difference there is that it is the tribunal as an independent body that is instructing the doctor, 'Please doctor, inform us, as an independent body, what you make of this dispute.' It is not each party coming in and saying, 'I say this, I say that.' That is the whole idea.

Mr KNOLL: Is that process available to the corporation in the normal course of a claim, as well as the tribunal? Obviously the tribunal goes through that process you just talked about, but the corporation would have situations where an employer gets a doctor's opinion and the employee gets a doctor's opinion, and there is a difference of opinion. Is there the ability for the corporation to say, 'Hey, you go and see this accredited person and make a determination'?

The Hon. J.R. RAU: Yes, there is, but it is at a stage before this dispute. Let us say that a person says, 'I think I am entitled to a whole person impairment payment,' and they go off to an accredited doctor—because, remember, under our scheme only accredited doctors can give those assessments, not any old doctor. So they go off to an accredited doctor, and the accredited doctor says 10 per cent or 15 per cent or 20 per cent, whatever it might be. They then say to the corporation, 'Here is our accredited doctor's statement. We want to be paid a section 43,' or whatever it might be.

The corporation might say, 'Well, you know what? Because this person is an accredited doctor we are not even going to argue about this. This seems okay to us,' and they just say, 'Yes, claim accepted.' They might say (and they might not), 'Look, we think we had better check this out,'

and I assume they would if it were a 30 per cent plus number, because there are big consequences. They would then find another accredited doctor just to make a judgement as to whether that was more or less in the ballpark, and make an offer to the person. If those two could not resolve it, then they both trot off to the tribunal, which would then ask its own person to come in and inform the tribunal.

Clause passed.

Clauses 36 to 42 passed.

New heading.

The Hon. J.R. RAU: I move:

Amendment No 13 [IndustRel–2]—

Page 23, after line 31—Insert:

Subdivision 1—Conferences

New heading inserted.

Clause 43.

The Hon. J.R. RAU: I move:

Amendment No 14 [IndustRel–2]—

Page 23, line 34—Delete 'compulsory conference' and substitute 'compulsory conciliation conference (a *compulsory conference*)'

Amendment No 15 [IndustRel–2]—

Page 23, after line 38—Insert:

(3a) A conference must be commenced within the time fixed by the rules.

Amendment No 16 [IndustRel–2]—

Page 24, line 1—Delete 'and clarify' and substitute ', clarify and narrow'

Amendment No 17 [IndustRel–2]—

Page 24, after line 5—Insert:

(5a) However, in any event, the proceedings constituting a compulsory conference should not run over a period exceeding 6 weeks (unless the member of the Tribunal presiding at the conference considers that special circumstances exist that justify an extension of time for attempting to settle the matter).

(5b) If the period in which proceedings constituting a compulsory conference are conducted is extended beyond 6 weeks, the member of the Tribunal presiding at the conference must ensure that the special circumstances justifying the extension of time are recorded on the file maintained by the Tribunal in relation to the matter and that a record of the circumstances is issued to the parties.

Amendment No 18 [IndustRel–2]—

Page 24, lines 12 and 13—Delete paragraph (a)

Amendment No 19 [IndustRel–2]—

Page 24, lines 31 to 33—Delete subclause (9) and substitute:

(9) Despite section 22, the member of the Tribunal presiding at a compulsory conference may not refer a question of law to a Full Bench of the Tribunal.

Amendment No 20 [IndustRel–2]—

Page 24, after line 33—Insert:

(9a) If settlement of a matter is not reached at a compulsory conference, the member of the Tribunal presiding at the conference—

(a) must give to the parties an assessment of the merits of the party's case; and

(b) must seek to recommend ways to resolve any matter in dispute.

Mr KNOLL: This is my last question on the entire bill, and it is quite simple. What is the difference between a compulsory conference and a compulsory conciliation conference?

The Hon. J.R. RAU: Yes, it is largely terminology. The idea is, first of all, that people cannot just say, 'Blow you, I am not going to turn up because I am not interested.' Secondly, they should participate in good faith in these things and at least have a try.

The member for Hartley made a very good point a little while ago, which is that this alternative dispute resolution is a really important opportunity, not just because it saves time and money but because a person who resolves their matter themselves, albeit through alternative dispute resolution, walks away with a certain satisfaction that certainly a losing party in a contested matter will never have. The other point is that the amendment of clause 43(8)(a) is to ensure that questions of law are not considered as part of the conciliation process.

Amendments carried; clause as amended passed.

New clauses 43A and 43B.

The Hon. J.R. RAU: I move:

Amendment No 21 [IndustRel–2]—

Page 25, after line 13—Insert:

43A—Referral of matters for hearing and determination

If a compulsory conciliation conference under this Subdivision does not result in an agreed settlement of the matter, the member of the Tribunal presiding at the conference must refer the matter for hearing and determination.

43B—Pre-hearing conferences

(1) Before the Tribunal proceeds with the hearing of a matter, a pre-hearing conference must be held before a Presidential member of the Tribunal.

(2) The Presidential member presiding at the conference—

(a) must—

(i) make an assessment of the matter; and

(ii) for the purpose of making the assessment—

(A) inquire into and consider the steps taken, and the steps that should be taken, to explore, or further explore, possible settlement of the matter (including referral of the matter to a Presidential member of the Tribunal for mediation); and

(B) seek to identify and narrow the issues in dispute; and

(b) may give such directions or orders as he or she considers appropriate.

New clauses inserted.

New heading.

The Hon. J.R. RAU: I move:

Amendment No 22 [IndustRel–2]—

Page 25, before line 14—Insert:

Subdivision 2—Mediation

New heading inserted.

Sitting extended beyond 18:00 on motion of Hon. J.R. Rau.

Clause 44.

The Hon. J.R. RAU: I move:

Amendment No 23 [IndustRel–2]—

Page 25, line 15—After 'an initial directions hearing' insert ', a compulsory conciliation conference'

Amendment No 24 [IndustRel–2]—

Page 25, line 22—After 'the parties' insert:

or, if a settlement is not achievable through this process, to further refine or narrow the issues in dispute

Amendments carried; clause as amended passed.

New heading.

The Hon. J.R. RAU: I move:

Amendment No 25 [IndustRel–2]—

Page 26, after line 8—Insert:

Subdivision 3—Settling proceedings

New heading inserted.

Clauses 45 to 48 passed.

Clause 49.

Ms CHAPMAN: My question relates to representation. I understand the Law Society has requested that this clause be amended to include an officer of a registered association, for example, officers belonging to an employee or an employee association. I cannot see that in the list as being considered favourably. Is that under consideration or has it been rejected or can it be accommodated?

The Hon. J.R. RAU: There is, in principle, no fundamental difficulty with that. In the case of this particular thing, it is already catered for as the Return to Work Bill makes that clear, and the two work together. There is not a gap in this case. In the future, there could be other jurisdictions, but that is not a problem for the moment because it is already fixed.

Clause passed.

Clause 50.

Ms CHAPMAN: This relates to costs. Reading it with clause 51 as well, I have to say I am a bit confused now about what the situation is going to be. Essentially, it is the set-up, and each party pays their own costs except in exceptional circumstances, is the way I would summarise it, but there seem to be lots of double-negative arrangements here. Do I have that correct? Is that the current situation with Workers Compensation Tribunal matters at present, or is it more common that they are ultimately costs that are met by the employer's representative? I only ever appeared there once so I cannot remember.

The Hon. J.R. RAU: Again, the member for Bragg is onto a very important point here. The present regime basically works this way: the parties for the worker receive 85 per cent of the schedule fee, unless there are, in effect, special reasons for not giving money to the worker, and that could be that the worker is found to be a perjurer. I can say that it is very unusual. Unfortunately, I had the privilege of acting for one of these people once where the unusual did happen, and that was not good for anybody, particularly for me, but that is another story.

What we are intending to do here is to pick up another little nuance. It operates in the Industrial Relations Commission, and it comes from the unfair dismissal environment in the state jurisdiction. What happens there is that the parties have a preliminary conference, much as what is required here. They sit down and somebody says, 'Okay, tell us what your case is,' and at the end of that a recommendation is made by the person who is sitting at the conference table, the presiding person at the conference.

Parties are not obliged to accept that recommendation. They can say, 'No, we're not going to do that.' What happens where the parties do not accept the recommendation, and this is quite important, is that the recommendation is recorded and sealed in an envelope and, if the proceedings do go ahead, contrary to the recommendation, and if the party that is pursuing the proceedings does

worse in the proceedings than they would have done had they accepted the recommendations, that is prima facie ground for them to be not successful in a cost application.

What that is intended to do is to discourage the person who might have a let's roll the dice type of attitude. They have been through the situation where they have had a good hearing in an informal way, a recommendation has been made and they say, 'I don't care what the recommendation is, I'm just going to take my chances, whatever the odds are,' because that person is wasting everybody's time if they lose. That is essentially what that is about.

Clause passed.

Clauses 51 to 62 passed.

New clause 62A.

The Hon. J.R. RAU: I move:

Amendment No 26 [IndustRel–2]—

Page 32, after line 7—Insert:

62A—Power to enlarge scope

The Tribunal may, with the consent of all parties to proceedings, enlarge the scope of the proceedings to include questions that are not presently at issue in the proceedings.

Ms CHAPMAN: I ask the Attorney to explain the amendment. On balance, all I was going to be saying is that the current clause 63 is a bit of a dog's breakfast. I do not quite understand under what circumstances you have a single party and when you have a Full Court, etc., but it looks like some of the Attorney's amendments might be tidying that up to make it a bit clearer as to under what circumstances they will sit and in what composition.

The Hon. J.R. RAU: Again, the member for Bragg has hit another hot button here, because this is something, I have to confess to the committee, I am still not absolutely convinced we have got right. It might be that there is some further tweaking to this between the houses. The intention is laudable. The intention was to be able to assemble full benches relatively easily without having to have competing diary issues and suchlike. That is all very good, but you do potentially get to the problem where you have a bench of two and they do not agree. What do you? Do you say that the one who has the best tie on wins or the one who was appointed to the bench first wins? What do you do? It has been troubling me that there is an almost haphazard element to that which is perhaps not—

Ms Chapman: Lucky dip.

The Hon. J.R. RAU: Lucky dip. I am having a look at that myself. I did foreshadow at the beginning that we are still looking at things, and I am still tossing up in my mind whether the relative flexibility of a bench of two is more of an illusion of assistance than practical assistance.

New clause inserted.

New headings.

The Hon. J.R. RAU: I move:

Amendment No 27 [IndustRel–2]—

Page 32, line 8—Delete 'Appeals' and substitute 'Review and appeals'

Amendment No 28 [IndustRel–2]—

Page 32, line 9—Delete 'Appeals' and substitute 'Review and appeals'

New headings inserted.

Clause 63.

The Hon. J.R. RAU: I move:

Amendment No 29 [IndustRel–2]—

Clause 63—Delete the clause and substitute:

63—Review of decision of conciliation officer or magistrate

(1) A decision of the Tribunal—

(a) constituted of a conciliation officer; or

(b) constituted of a magistrate; or

(c) constituted of 2 or 3 members (but not including a Presidential member),

may be reviewed, on application under the rules, by a Presidential member of the Tribunal.

(2) A Presidential member of the Tribunal may, on a review under this section—

(a) affirm the decision that is being reviewed; or

(b) vary the decision that is being reviewed; or

(c) set aside the decision that is being reviewed and—

(i) substitute his or her own decision; or

(ii) send the matter back to the member or members for reconsideration in accordance with any directions or recommendations that the Presidential member considers appropriate.

63A—Appeal on question of law—single Presidential members

(1) An appeal lies on a question of law against a decision of the Tribunal—

(a) constituted of a single Presidential member; or

(b) constituted of 2 or 3 members including a Presidential member (other than a Full Bench),

to a Full Bench of the Tribunal.

(2) An appeal under this section must be commenced, heard and determined in accordance with the rules.

(3) If an appeal is allowed, the Full Bench will endeavour to determine the matter for itself and will not remit the matter for re-hearing or reconsideration unless exceptional circumstances apply.

(4) In exercising the power conferred by subsection (3), the Full Bench may draw inferences of fact from evidence taken at the original hearing and, in its discretion, hear further evidence on a question of fact.

63B—Final appeal to Supreme Court

(1) Subject to subsection (2), an appeal lies on a question of law against a decision of the Full Bench of the Tribunal to the Full Court of the Supreme Court.

(2) An appeal cannot be commenced under this section except with the permission of a Judge of the Supreme Court.

(3) On an appeal to the Full Court of the Supreme Court under this section, the Full Court of the Supreme Court may—

(a) decide the question of law;

(b) refer the matter back to the Tribunal with directions the Full Court considers appropriate;

(c) make consequential or related orders (including orders for costs).

Amendment carried; clause as amended passed.

Clause 64 passed.

Clause 65.

The Hon. J.R. RAU: I move:

Amendment No 30 [IndustRel–2]—

Page 33, line 18—Delete 'Presidential member' and substitute 'Full Bench'

Amendment No 31 [IndustRel–2]—

Page 33, line 19—Delete 'Presidential member' and substitute 'Full Bench'

Ms CHAPMAN: Again, this is a reservation about question of law and who hears it, etc. I think the next amendments might cover this because we are now going to have the full bench hearing these and that does tidy it up a bit.

Amendments carried; clause as amended passed.

Clauses 66 to 76 passed.

Clause 77.

The Hon. J.R. RAU: I move:

Amendment No 32 [IndustRel–2]—

Page 37, line 8—Delete 'compulsory conference' and substitute 'Compulsory conciliation conference, a pre-hearing conference'

Amendment carried; clause as amended passed.

Clauses 78 to 83 passed.

Clause 84.

Mr WILLIAMS: Attorney, I would ask you to consider between houses amending this particular clause. It is about the annual report. This a pretty standard clause, except that the date for the report to be handed to the minister is 31 October, and the minister must table it within the house within 12 sitting days. That would mean that quite often the house would not get the annual report until February.

I would ask that you consider either bringing the date forward to 30 September, like the WorkCover report (which I think is currently due on 30 September) or, alternatively, changing the 12 days to say that, in any case, the report must be tabled by the end of November, such that the house did have it before the end of that calendar year.

The Hon. J.R. RAU: I would be very happy to look at that.

Clause passed.

Remaining clauses (85 to 88) and title 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 Housing and Urban Development, Minister for Industrial Relations) (18:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

EVIDENCE (PROTECTIONS FOR JOURNALISTS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 18:09 the house adjourned until Thursday 25 September 2014 at 10:30.

Answers to Questions

ROYAL ADELAIDE HOSPITAL

In reply to **Dr McFETRIDGE (Morphett)** (18 June 2014).

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries):

1. I have been advised that, in the case of the move of patients from the old Royal Adelaide Hospital to the new Royal Adelaide Hospital once the state formally accepts the facility from SA Health Partnerships, the transition period for this is currently being planned.

2. I have been advised that the costing for the state's obligations for the transition process is currently being assessed.