

HOUSE OF ASSEMBLY

Wednesday, 29 October 2014

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

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: ANNUAL REPORT 2013-14

Mr ODENWALDER (Little Para) (11:02): I move:

That the 86th report of the committee, entitled Annual Report 2013-14, be noted.

During the reporting period, the committee undertook a range of oversight activities in line with the committee's statutory functions and produced a number of lines of inquiry pertinent to the committee's area of interest. The committee also experienced a number of changes in membership, largely due to the new parliament, and therefore this report notes the work of both the sixth and seventh economic and finance committees during 2013-14.

The seventh committee was formed on 6 May 2014, so much of what I speak about today relates to the former committees' activities before my time as Chair. Throughout the reporting period, the committee met on 16 occasions, 12 of which were public hearings. During this period, the committee tabled its 2012-13 annual report, the South Australian taxation inquiry interim and final reports, and the emergency services levy 2014-15 report.

The South Australian taxation inquiry interim and final reports were tabled on 26 November 2013 and 14 February 2014 consecutively. The reports concluded a comprehensive inquiry which commenced in 2012. The inquiry delved into many aspects of the state's taxation system, and the committee received 36 written submissions from a broad range of stakeholders across industry, legal and business groups, state and local government bodies, as well as the community sector and individuals.

The committee established a broad set of terms of reference, and therefore the inquiry explored an expansive range of taxation issues. The committee considered evidence in relation to payroll tax, land tax, stamp and conveyance duties, motor vehicle taxes, insurance and gambling taxes, local government taxation, in addition to the broader issues of administration, compliance and sustainability.

In total, the committee made comment on 36 issues of significance and recommended to the Treasurer that he give sound consideration to the matters raised. I commend my predecessor, the now happily retired Hon. Lyn Breuer, the former presiding member of the committee, and the honourable members for Colton, Davenport, Flinders, Goyder, Ramsay, and the retired former member for Torrens, Mrs Robyn Geraghty, for the significant work they did on this inquiry.

In terms of its statutory functions, the committee undertook a range of activities. In accordance with the requirements of the Gaming Machines Act 1992, the committee received a report from the Office of Recreation and Sport in March 2014 regarding the 2012-13 sport and recreation fund allocations. The committee invited representatives of the Office of Recreation and Sport to a hearing later in the year, on 3 July 2014, where we discussed matters relating to the allocation of financial assistance to sporting and recreation bodies. With respect to the Health and Community Services Complaints Act 2004, the committee received the proposed budget for the Health and Community Services Complaints Commission on 28 November 2013.

Under the provisions of the Passenger Transport Act 1994, the committee noted referrals received on 8 July 2013 regarding tenders for passenger transport services for the City of Murray Bridge, the Mid Murray Council, the Coorong District Council, the District Council of Karoonda, and Southern Mallee District Council. On 25 July 2013, a referral was received for Kangaroo Island passenger transport services. On 3 April 2014, two more referrals were received for the Upper North region and the City of Whyalla.

In accordance with the committee's statutory function regarding reporting on the proposed emergency services levy each financial year, the committee noted in its report that the total expenditure on emergency services for the 2014-15 year is projected to be \$255.1 million.

In line with provisions in the Public Corporations Act 1993, the committee received notice of an amendment to the WorkCover charter in August 2013. The committee therefore held a hearing in November 2013 with WorkCover witnesses to learn more about the changes to the charter. On 28 November 2013, the committee conducted a hearing with witnesses from the Department of Communities and Social Inclusion to respond to questions regarding state government concessions and their administration. Continuing the committee's interest and responsibilities regarding public accountability, the Auditor-General was invited to appear before the committee on two separate occasions—in November and December 2013—to discuss matters in relation to the Auditor-General's Annual Report.

As the presiding member of the committee, I attended the mid-term conference of the Australasian Council of Public Accounts Committee (ACPAC) in June this year. The conference was held in Melbourne and hosted by the Victorian parliament's Public Accounts and Estimates Committee. On behalf of our committee, I presented our proposed draft conference program to the ACPAC members as part of our hosting responsibilities for the 2015 ACPAC biennial conference. The program was well received by members and, as the presiding member of the host committee, I am now also the Chair of ACPAC. I am looking forward to hosting the conference in April next year with my colleagues on the Economic and Finance Committee as well as the Statutory Authorities Review Committee, who are also members of ACPAC.

Finally, I would like to acknowledge my fellow members of the current committee: the member for Colton, the sadly departing member for Davenport, the member for Kaurana, the member for Reynell, the member for Stuart and the member for Unley. Throughout the reporting period, the committee was ably supported by the executive officers, Mrs Lisa Baxter and Ms Susie Barber, and the research officer on the taxation inquiry, Mr Simon Altus. I commend the report to the house.

The Hon. I.F. EVANS (Davenport) (11:08): I rise to speak on the Economic and Finance Committee's annual report and to make a couple of comments. As the house knows, I am exiting tomorrow. I am about to resign from this committee today so that someone else can be elected tomorrow, and I want to make these comments about the committee.

Firstly, I think it is disappointing that the government has taken the position of not using the Industries Development Committee to examine assistance given to companies within South Australia. That system was set up in the 1940s or 1950s, under the Playford government's Industries Development Act, and used by both sides of the house to inform the other side about long-term economic investment in the state, and it was always held confidential until the Labor opposition of the 1993 to 2002 period when, regrettably, some unusual items were leaked out.

Having been a minister who sent things to that committee, I think the committee serves a good purpose. It asked good questions and gave an opportunity for both sides of the house, including quite often the backbench of the government, to be informed on what the ministries were doing. With regard to industry assistance in the state, I think the state and, indeed, the parliament are poorer for the fact that this government has decided not to use the Industries Development Committee. You will see in the annual report to which we are speaking that it did not meet, and I do not think it has not met since about 2007.

The other issue is the issue of tax modelling. Bearing in mind this is a government controlled committee, the committee criticises the current Treasurer and previous treasurers (those who held the Treasury portfolio) for not providing tax modelling as requested by the committee. The committee undertook what I thought was an excellent review of the South Australian taxes. It was one of the most interesting committee inquiries I have sat on in my time, and it was acknowledged by the government in our discussions in the committee that they found it very useful.

The committee sought a series of tax modelling to try to inform the tax debate. In fairness to the government, they eventually provided some of the tax modelling, but there was a whole range of tax modelling that was not provided. The committee then wrote to then treasurer Weatherill, who did not provide it and said they were developing it, and the committee wrote again to the new treasurer

Koutsantonis seeking that modelling. The committee has now been waiting, my guess would be, around 15 to 18 months for that modelling.

There is really no reason the government should not provide it because it would inform the public debate about what tax reform is required and, indeed, what is possible. When industry associations received the previous set of tax modelling that we distributed publicly, suddenly their ask for tax reform changed because they understood that what they were asking for was a \$200 million hit to the budget, or a \$100 million hit to the budget, or whatever the figure was.

They actually had a better understanding of the financial impact of what they were asking for, so the modelling actually informed the public debate. I think that the committee should hound the Treasurer to provide that modelling because it will inform the debate, both on the government side and the opposition side, and, certainly, from the industry perspective.

I have sat on the Economic and Finance Committee now for a number of years in various portfolio responsibilities. I do want to thank the Auditor-General for the manner in which he conducts his responses to the Economic and Finance Committee's grilling. He usually comes in for two days, quite happily, and takes our questions, and I have always enjoyed what I would call the game of tennis between the Auditor-General and the opposition. We ask a question, he bats it back; we ask another question and he bats it back and explains it. It does, I think, add a lot of value of the process having him come into that particular forum so the opposition can ask appropriate questions about what the Auditor-General's Report has stated.

I also thank all of the staff involved in that committee over the years for putting up with me. I am not the most computer literate person and they have carried me through all of those meetings. I have enjoyed my time on the committee and thank the staff for all their support. With that, I will now go and hand my letter of resignation from the committee to the Speaker so that someone can be elected tomorrow or today so that they are ready to question the Auditor-General in early November and the opposition is not one short.

Debate adjourned on motion of Mr Gardner.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2013-14

The Hon. S.W. KEY (Ashford) (11:13): I move:

That the 99th report of the committee, entitled Annual Report 2013-14, be noted.

The year 2013-14 has been yet another busy one for the Natural Resources Committee. The state election in March 2012 saw the dissolution of the previous membership and appointment of new members to the committee. I am pleased to report some continuity in membership with three members from the 52nd parliament's Natural Resources Committee remaining—Hon. Robert Brokenshire MLC, Hon. John Dawkins MLC and me.

We have also been joined for the 53rd parliament by the members for Kurna, Napier and Flinders. The member for Flinders replaced the member for Stuart when he resigned in June this year to fill a vacancy on the Economic and Finance Committee. We also had another person who left our committee (the member for Little Para) to join the Economic and Finance Committee. We were very sad to see both of them go from our committee, but I am very pleased to say that the committee is still in good shape and working really well. The Hon. Gerry Kandelaars has also returned to the committee after an absence of 17 months, so we are very pleased to have him back with us. It is a bit like the Blues Brothers: the band gets back together again every now and again, so who knows what might happen.

The Hon. T.R. Kenyon: Do you play good music? That's the question.

The Hon. S.W. KEY: I can't answer that. I thank the previous members of the committee who have variously retired or moved on to new challenges. These include: Mrs Robyn Geraghty, the former member for Torrens; Mr Don Pegler, the former member for Mount Gambier; the member for Frome, who has gone to higher duties; the member for Little Para, as I mentioned; and the member for Stuart. In addition, another member who has gone to higher duties is the Hon. Russell Wortley MLC.

Mr Pengilly: What happened to John Gazzola?

The Hon. S.W. KEY: He was not on our committee, member for Finniss, so I cannot speak on his behalf.

The DEPUTY SPEAKER: The member for Finniss is going to be well behaved today, aren't you, member for Finniss?

Mr Pengilly: Absolutely.

The DEPUTY SPEAKER: We have a gallery watching our behaviour this morning.

The Hon. S.W. KEY: Their collective service to the committee has been invaluable and we will miss them. The committee staff have remained unchanged during the reporting period. Over the reporting period, the committee undertook 12 formal meetings totalling 30 hours and took evidence from 11 witnesses. Fourteen reports were drafted and tabled: the annual report for 2012-13, seven reports into natural resources management levy proposals for 2014-15, the final Eyre Peninsula water supply inquiry report, the 2013 annual report on the Upper South East Dryland Salinity and Flood Management Act, two reports on bushfire preparedness and prevention, a report on the committee's Whyalla region fact-finding visit, and a report detailing the committee's visit to the northern part of the Alinytjara Wilurara NRM Board region.

A fact-finding tour was undertaken in 2013 to Whyalla and the region. The committee intended also to visit the southern part of the Alinytjara Wilurara NRM region and, in particular, the Aboriginal communities of Yalata and Maralinga. However, due to time constraints, unsuitable weather and a whole lot of other issues, the tour had to be postponed. Sadly, the tour has been postponed until next year for this committee. Hopefully we will get there. A lot of it is certainly beyond the committee's control because it is to do with the communities being able to receive us.

I acknowledge the valuable contribution of the committee members during 2013-14 and I thank all members, both old and new—from the old band and the current band—for the cooperative manner in which they have worked together, and I have no reason to doubt that there will not be a continuation of this spirit of cooperation for the conclusion of this year and into the next. Finally, I would like to thank the members of the parliamentary staff for their assistance: Patrick Dupont, our executive officer, and David Trebilcock, our research officer. I commend this report to the house.

Debate adjourned on motion of Mr Gardner.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2013-14

The Hon. S.W. KEY (Ashford) (11:19): I move:

That the 18th report of the committee, entitled Annual Report 2013-14, be noted.

The committee's role in keeping the health, safety and workers compensation legislation under constant review is an important one. The committee differs substantially in operation from other standing committees because the members are not remunerated, but members, both past and present, are no less dedicated to the work of the committee, and they have applied themselves diligently. Following the March election, a new committee was appointed, which has been familiarising itself with the functions of the committee and deciding priorities.

The Occupational Safety, Rehabilitation and Compensation Committee met on eight occasions in the last financial year and six witnesses appeared before the committee, but these statistics do not accurately reflect the activities of the committee. The last 12 months have been characterised by regular meetings at which witnesses have attended to assist the committee to finalise an indepth inquiry into the effectiveness and efficiency of SafeWork SA and an inquiry into occupational violence in health, hospitality and retail sectors.

The inquiry into the efficiency and effectiveness of SafeWork SA began in mid-2012, but was not completed until the end of 2013, during which time the committee received a total of 35 submissions, heard from 20 witnesses, and produced the report, with 26 recommendations. The committee found that SafeWork SA was performing well against national comparative data, but the implementation of the Work Health and Safety Act brought in some challenges, particularly in how

the changes were communicated to business, industry and individuals. Some witnesses raised concerns that SafeWork SA had not been appropriately resourced to adequately implement the significant changes across South Australia to small and medium businesses and industry groups.

The committee also inquired into occupational violence in health care, hospitality and retail sectors. If one is to believe the media reports, the level of violence in the community has been increasing, but the committee found a lot of work-related violence goes unreported and is often tolerated because it is seen as just part of the job. Young casual workers, in particular, are often reluctant to make a workers compensation claim because they are concerned for their future employment opportunities.

To better understand the frequency and severity of work-related violence, the committee relied on data from a number of sources, including workers compensation statistics (as limited as they may be), police reports, armed robbery reports and code black incidents. A code black incident occurs in a hospital when a health professional fears for their safety and makes a call for security assistance. Between 2011 and 2012, more than 4,000 code black incidents were reported in metropolitan hospitals, 36 per cent of which were considered to be high-risk incidents. Annually, there are over 400 workers compensation claims arising from occupational violence, costing over \$6 million. Over an eight-year period, claims arising from occupational violence have cost in excess of \$68 million in the public health scheme alone.

While SA Health is implementing a strategy to reduce the level of violence in hospitals, the committee found a lack of information relating to aged-care and community-care facilities, which is disturbing because the highest average cost of claims occurs in the community, particularly in the paramedical services. There is also a lack of comprehensive trend data on code black incidents. The committee received few submissions from the retail and hospitality sectors but did hear from a few witnesses who expressed concerns about the increasing level of violence and aggression towards employees who work in those sectors.

The retail and hospitality sectors are the largest employers of young casual workers, many of whom are female between the ages of 15 and 24 years. Employees working in these sectors are at risk of exposure to abusive customers who may be affected by drugs or alcohol. As security increases in larger retail stores and in the financial sector, criminals are often drawn to softer targets, leaving young employees who work alone, especially at night, at increased risk of violence. Young men are at risk of serious assault, while young women are at risk of sexual violence.

I should say that one of the reasons we did this inquiry was at the request of the former member for Mitchell, Alan Sibbons, who had a number of constituents themselves or their parents come to him. They were concerned about their children working in places such as bottle-oh driveways being threatened and also in service stations, their being there at night alone and being very vulnerable. Part of this inquiry was in response to issues that had been raised by the member for Mitchell, and I hope that the current member for Mitchell is not getting that same level of complaints because it really is quite a scary statistic. I know that other members in this place may have had those sorts of concerns raised by constituents.

The largest number of assaults is experienced in the hospitality sector, while the retail sector experiences the highest number of robbery incidents. During 2011-12 financial year, more than 650 South Australian workers made a claim for workers compensation as a result of being exposed to occupational violence at work. The direct cost was over \$9 million but the indirect cost, the impact on family members of injured workers and the rest of the community caused by these types of injuries is not so easily quantified.

The committee also considered the implications arising from new terminology in the Work Health and Safety Act by some of the contractors and consultants. This seemingly excessive use of SafeWork Method Statements required by some principal contractors reveals a level of confusion about legal responsibilities. The committee also noted that in a judgement by the Industrial Court concern was raised over the ability for an employer to obtain indemnity insurance for criminal negligence in relation to a breach of the health and safety law. The practice is a disincentive for business to invest in harm prevention strategies and has the potential to expose employees to significant risks. It is hoped that steps can be taken to discourage this illegal practice.

The 18th report of the Occupational Safety, Rehabilitation and Compensation Committee summarises the committee's work for the financial year of 2013-14 and the cost to the taxpayer has been minimal. I am very pleased to report that the total expenditure for the committee for the financial year was \$3,389.13. I take this opportunity to thank all those members and people who have contributed to the inquiries undertaken by the committee. I thank all those people who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I also thank the people who came along to these public hearings just to hear about the work and hear from witnesses first hand.

I extend my sincere thanks to the members of the committee: the newly elected member for Schubert, Mr Stephan Knoll; the newly elected member for Reynell, Ms Katrine Hildyard; and from the other place, the Hons Gerry Kandelaars, John Darley and John Dawkins. I must say that we really value the new member for Schubert. We miss the input from the previous member for Schubert, my friend Ivan Venning. I thank Ivan Venning particularly. He was in this house for 24 years as the member for Schubert and has since retired. He was a member of the committee for four years and made a valuable contribution.

I also recognise the excellent contribution from the Hon. Rob Lucas from the other place for his contribution over that same period, and I am very pleased that he has been replaced by the Hon. John Dawkins, who has initiated a few inquiries for this next period of our committee. We are particularly looking at suicide in the workplace which is sadly a very important and topical issue. The Hon. John Dawkins has been a great addition. The Hon. Rob Lucas, with his background, was very hard to replace but I have to say that the Hon. John Dawkins has shown a lot of leadership in our committee and we thank him for that.

My thanks also go to our absolutely wonderful executive officer, Ms Sue Sedivy. She really is a hardworking professional who supports us. I know that all the committee members, both from the previous committee and our new committee, appreciate her work and contribution to making this an excellent committee. I commend the report to the chamber.

Mr KNOLL (Schubert) (11:29): I thank the member for Ashford for her work on this committee over my past eight months on this committee. I have found the committee to be one that works very well together. Each member of the committee brings a different level of experience and expertise, and we are able to have strong and cogent discussions on the issues at hand. Can I say that there is, quietly, some healthy tension within the committee. I think a diversity of views exists, and I think that that is a very good thing. As a committee that looks into some very serious aspects of working life in South Australia—occupational health and safety, whether it be WorkCover, method statements or a whole host of issues that are quite serious and difficult to deal with—an amalgam of views is not a bad thing.

On the committee, I believe that we should always look for ways to get that balance right, the efficiency of the system balanced against the effectiveness of the regulation, in order to achieve the best outcomes and keep people as safe as they can be at work. I believe that we need to find a balance between a cost-effective scheme that is not overly burdensome on employers but does provide proper benefits to injured workers, and make sure that the whole system takes responsibility for the people who work within it. I think that is something that the committee does genuinely try to grapple with.

I also see that the committee genuinely tries to grapple with always wanting to find better ways to look after genuine injuries, genuine claimants and genuine disputes, whilst always trying to find ways to seek out the less genuine and those who would otherwise render the scheme unworkable for all the stakeholders. That is a function of the committee and a focus of the entire system that is ongoing; we cannot stop looking at ways to create better definitions in that regard. I genuinely think that all members look at it in that way.

Certainly, my time on the committee has been very productive and very eye opening. I suppose it is not something that people often get passionate about, but there are some reasonably passionate members on the committee, and their passion is genuine. I was not on the committee during the inquiry into the effectiveness and efficiency of SafeWork SA, but I have taken the time to go through it and there is a lot of information. There is a lot of information to digest, and certainly the recommendations that came out of that inquiry are extremely common sense. Reading through them,

you can see that diligent work was done by the committee in reaching those recommendations. I think there are good things for the minister to consider, and hopefully he does consider them.

In my travels through looking at some of the grants process that SafeWork SA undertakes, I have found there is quite a bit of detail and breakdown about research projects that are undertaken. I have managed to get quite a bit of information about small grants programs undertaken, but page 135 of the report talks about the health and safety partnerships program, which is a program that ran from 2007-08 until 2013. It is a grant program that gives \$1 million dollars a year, divided evenly across industry sectors: community services, manufacturing, wholesale and retail, construction, and transport and storage. There is not as much information about this partnerships program but, when I look at the recipients of the grants, perhaps a common theme comes through.

The recipients of the grants were the Independent Education Union; the Australian Services Union; the Liquor, Hospitality and Miscellaneous Workers Union; the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union; the Australian Manufacturing Workers Union; the Australian Workers Union; the Textile Clothing and Footwear Union of Australia; the National Union of Workers; the Shop, Distributive and Allied Employees' Union; the Australasian Meat Industry Employees Union; the Construction, Forestry, Mining and Energy Union; and the Transport Workers Union. There does seem to be a strong common theme there. In subsequent years, the 2011, 2012 and 2013 financial years, the recipients of grants were concentrated into the ASU, IEU, AMWU, CFMEU, NUW, AWU, SDA and SA Unions.

I pass no judgement on the validity of these grants and this program, except to say that there is obviously quite a strong bias in the program. I look forward to reading the reports and the acquittals around this partnerships program and I look forward to, I suppose, discovering the process by which this grant program was decided and in making sure that this million dollars a year worth of government money has been well spent and that there was indeed strong levels of fairness and transparency around valuable taxpayers' money.

So, with that, I would like to say that I am thoroughly enjoying my time on this committee. I commend this report, even though I know it is only for noting—I note this report—and I look forward to the coming 12 months when we have a number of exciting projects on the go.

The Hon. S.W. KEY (Ashford) (11:35): I would like to acknowledge the great work that has been done on this committee, particularly by our staff and the people who have contributed to the last year's work.

Motion carried.

SELECT COMMITTEE ON A REVIEW OF THE RETIREMENT VILLAGES ACT 1987

Adjourned debate on motion of Dr McFetridge:

That the report of the committee be noted.

(Continued from 16 October 2014.)

The DEPUTY SPEAKER: The member for Schubert has time to continue: five more minutes, is that correct?

Mr KNOLL (Schubert) (11:37): This speech is Shakespearean.

The DEPUTY SPEAKER: This will be your finale, won't it?

Mr KNOLL: This is a speech in four parts. The difficulty I have had, Deputy Speaker, is keeping up with exactly what I have discussed and what I have not discussed. I have kept copious colour-coded notes in order to get there. What I have been through is a list of the retirement villages in my electorate, and there are some fantastic retirement villages in my electorate. I have been talking with a number of local residents recently, and one in particular who is stuck in the Tanunda Hospital, who will not leave the Barossa, and that is a comment I have heard from a number of people, not the least of whom is the retiring mayor of the Barossa Council, Brian Hurn, who has made a fantastic contribution. His comment to one of our local retirement villages was, 'One day I hope to be in your facility, but there is no way that I am going to leave the Barossa to do so.' That does create issues because there are not enough high-care places in the Barossa.

What I have been able to understand is that the federal funding for retirement places is funded on a per capita basis but it does not necessarily take into account the changing demographics of different regions. The Barossa, as I have said in this place before, is definitely over-represented when it comes to older people. In fact, the Barossa has 25 per cent more people over 65 than the state average. That creates issues for local retirement village service provision. I think there needs to be a bit more of a nuanced response.

The other thing I can say about my electorate in the Barossa is that it is a place where people come to retire. We lose our young people when they turn 18 (about 150 per year). We get some of them back when they are in their 40s and 50s, but at age 65 people come back to the Barossa. I do not know why it takes them so long to realise that it is one of the best places on earth, but they come to that realisation eventually. The amount of people, especially from surrounding rural areas, who come to the Barossa to retire bring a wealth of experience and knowledge and money into the local community, and I think it is a fantastic thing.

In this report—and I have been through the recommendations—the thing that strikes me most is that we are dealing with people in very vulnerable situations. They are at a stage of life where they are often not able to care for themselves, and I think that it is extremely important for the law to protect those who cannot always protect themselves. The other thing I found about the recommendations is that they are strikingly similar to what has been common practice for decades when it comes to commercial leases. There were a number of recommendations I read through, thinking, 'Well, hang on.' As someone who has read 30, 40, 50 leases in my time, there was a lot of commonality with disclosure statements, there was a lot of commonality between standard clauses and around giving people information to make an informed decision, and putting the information out there so that there is no roting of the system when it comes to having to put money into shared expenses, when it comes to disclosure of upfront costs, the value of the asset, or the maintenance levels of the asset.

I wholeheartedly support the recommendations in this report. I do think it is sensible and important. Retirement villages are a growing part of our economy, and will continue to be as baby boomers continue to age and move into facilities. Done properly, I think it is a very good way to care for people, especially if they transition from their own home into independent living units and then into more acute services. I think it is a great system, done properly, and a way that we can care for and respect our elderly in their sunset years and give them everything that they deserve.

The last comment I will make is that I have some fantastic retirement villages in my electorate: Tanunda Lutheran Home, Barossa Village, Abbeyfield and Wheatfields—fantastic facilities. The thing that upsets me most, particularly with the people who live in the Mannum hospital and the Mount Pleasant Hospital, is people who live in hospital wards with very little privacy, very little personal space. I do not think these people are living out their final days in dignity.

Mr TARZIA (Hartley) (11:41): I also rise to speak in favour of this. Like the member for Schubert, I have a number of constituents in my electorate of Hartley who use these villages. At last count, there were over 15. They seem to be growing in number, as is the industry. This is an extremely popular issue. Before the election, I hosted what you would call an aged care forum for people over the age of 60. Over 100 people attended, and the day was well supported by the member for Heysen.

Like the member for Schubert, I also empathise with people who have worked hard and paid taxes all their life, and when they seek accommodation such as a retirement village later in life, a lot of the time they come across these contracts that are quite lengthy and complicated. I think it is unreasonable that these elderly people, some of whom are quite vulnerable, need to engage lawyers, in some instances, just to go through these things. So the review of the Retirement Villages Act has a number of recommendations which I will, in turn, talk to.

All members of the house will agree that retirement villages are an essential pillar of aged-care services. The member for Morphett also put it earlier that the act provides the right balance between the rights and responsibilities of aged-care residents and the administration. It goes without saying that the baby boomer generation is retiring, and it is important to review the way in which the state manages its elderly people. South Australia, and Australia in general, has to constantly review our existing retirement system framework to explore new ideas, identify best practice, and look at

how our system can be improved to cope with high demands for aged-care services not only today but also in the decades to come.

The villages have been around for a long time. There are over 500 registered villages and about 25,000 residents in the state, but only recently has the industry taken off even further. I suppose we could also attribute that to rising house prices. Of course, the rising cost of living and the cost of doing business and owning property is not aided by the government's recent ESL hikes.

This section of our economy is very important for South Australians, not only for the owners of the villages but also for the people who reside in them. It is important that people who live there enjoy the amenities they expect from villages. The select committee received a number of submissions from various sources, and I would like to draw the attention of the house to some of the recommendations in the review.

As one of the largest industries, the financial management of villages is one of the most important points to make as it greatly concerns both residents and governments. In particular, recommendation 14 (relating to financial management) is very important. When a surplus is obtained by virtue of the recurrent charges, it is a good thing that it is up to the discretion of the residents as to how that surplus is apportioned under the residence agreement.

I certainly agree with the thrust of recommendation 4, regarding precontract disclosure. At the moment, it has been a constant complaint from many consumers in the area that some of these contracts are quite different from each other and that there is no real standard form. It is a point of much confusion, and I think it is unreasonable that elderly people should have to engage lawyers or advisers to weave their way through the constant rigmarole and bureaucracy in these precontracts. If we are able to ensure that disclosure documents are introduced and that they are consistent, it would be a good thing as it will allow people to best inform themselves, and that would be assisted if we can standardise that.

Recommendation 10 creates 'a unique retirement village CPI', and recurrent changes would have to be approved by residents or by the RTT on appeal from the management authority. I believe it is vitally important that any increases in recurrent charges remain fair and must be in the best interests of the residents. At the end of the day, it is the residents who pay for these services, and it should ultimately be a matter for them.

It is in the vein of resident empowerment and residential awareness that I would also like to mention recommendation 9, in particular, as an important recommendation from the committee to ensure that all minutes of any residents' meetings be provided to all residents within 14 days. I think that is quite appropriate and reasonable; there should not be any mystery in relation to this. I have learnt in my travels that a lot of retired people travel more than their younger counterparts. It would be a common-sense recommendation, and I would support it.

Speaking to recommendation 12, it is very important that any changes to the act provide greater transparency to administration and management fees. It is reasonable to expect any organisation or village to provide the method in which they appropriate costs and to show where those costs were spent and how those costs affect the residents of any retirement village.

In relation to council rates, it is important to develop the valuation of retirement properties when it comes to purchasing the licence to occupy a retirement village, and more should be done in that area. It is very important that criteria be created to control this factor, and I would also support the recommendation in relation to that issue.

Recommendation 1 restricts the use of the term 'retirement village' and prevents deceptive information about a facility that may mislead elderly people before they enter a village, and this is extremely important as well. In some cases, there is a lot of mystery concerning whether the person who moves into one of these villages actually owns the asset or is buying a licence. What is the situation here? It is a common point of confusion, and different laws can apply depending on what exactly the people are buying into. So, I also support more information that provides better transparency in that regard.

The objective of reviewing the act was to result in more transparency and simplicity for not only prospective licensees but also current licensees as to their rights and obligations. Equally, the

report is about empowering residents of retirement villages to make their own decisions about the lives they lead in retirement, and I fully support the recommendations listed in the report.

Mr PEDERICK (Hammond) (11:49): I rise to speak to the Select Committee on a Review of the Retirement Villages Act 1987 report and note that there were 34 recommendations made in that report, obviously relating to the requirements around living in a retirement village or operating a retirement village. These can be under various schemes. They include:

- licence to occupy (where a resident purchases a lifetime right to occupy a residence);
- leasehold (which is similar to a licence to occupy but a lease agreement will provide a resident with a lifetime lease of 99 years to reside in a residence); and
- community title (where the purchaser, as owner, has the legal title to the unit, with restrictions on its subsequent sale).

I note that in my electorate, across the aged-care sector, there are many villages and other groups that assist with aged care. Not all of these come under this act, but around Goolwa we have West Park residential services, Lakeside, SunnyCove, Thornbury Park Retirement Estate, Village Life and Seachange Village; around Murray Bridge, we have Murray Lands Retirement Village, Resthaven Community Services, Murray Bridge Lutheran Homes and Waterford Estate Retirement Living; and in Tailem Bend we have Taberefta, which is for retirement living. I note that for the care of people who are not in villages we have the services of Resthaven and Lerwin. My father is a resident at Resthaven in Murray Bridge.

We also have some great coordination work generally in the aged-care sector through the Murray Mallee Age Care Group. I know it probably does not quite fit this report, but they have just been inducted into the Brand SA Hall of Fame for Regional Awards. I love their work: they do a lot of work in helping aged people to stay in their homes. Their services are absolutely fantastic and they are a regular winner at the Brand SA awards.

Preclusions from the act are residential parks, rental villages, aged-care facilities and community houses, so it is about keeping the issue around villages. I think it is obvious to everyone that across the state we have an ageing population and, similar to the electorate of Schubert, the population in Hammond is well and truly getting older. We are all living longer, which is good to some degree, but it means that services for older people need to be expanded and updated.

In fact, I know that some work has been done in my electorate in regard to residential villages being able to be transformed into something else if the need turns back another way, such as student accommodation, in the future. People are looking to flexibility, and I think that is a great thing. Something like that may not happen for 50 or 60 years. In light of this, the committee noted that the biggest challenge is the issue of funding, and it also noted that retirement village accommodation is only used by a fraction of the number of people eligible to use it. Certainly, in the main, it is a secure, safe and age-appropriate place for people to stay.

The committee also mentioned how, around the retirement villages model, any development must be supported by a strong legislative base. As has been described by previous speakers, when people come to the time when they need to go into these villages, they are hit with a lot of complex deals and agreements, and we need to make it as easy as possible for people at that time. It is to be noted that most people appreciate the companionship and the carefree nature of village living. However, as I indicated, there is some concern about the lack of clarity about contractual issues and some administrative matters.

One of my neighbours went into a village and I thought, 'He won't stay up there all the time, he will be back down at Coomandook'—he is in Murray Bridge now—'looking at the son's and the grandson's sheep, they won't get him away from the farm.' What happened was exactly the opposite. The village lifestyle suited him down to the ground. He will not mind me saying this because I have not named him, but he virtually runs the place now, with an ex stock agent. Obviously, it can be a great lifestyle.

In line with the select committee report, the committee was trying to find out about the level of transparency and information provided by operators so that they can give clear and transparent

information to people who are potentially going to live in these villages. In the same light, we also do not want to burden operators with massive measures which might impact on their flexibility and their running costs.

Recommendation 1 applies to people before they move into a village, and is about the actual term 'retirement village'. The first recommendation states:

That the act be amended to:

- restrict the use of the term 'retirement village' to those residential complexes which fall under the act; and
- include provisions which prevent misleading and deceptive advertising, including advertising that a facility is or will be a retirement village without proper grounds.

This relates back to the reflection I just made, that people need absolutely clear information on what they are getting into. Recommendation 2 is certainly important. It relates to the retirement village residents and their rights. The second recommendation states:

- That the age limit for residents of retirement villages remains at 55 years.

Sadly, for some of us, that age range is a bit too close.

Ms Redmond: Too close!

Mr PEDERICK: Some members may have eased past that age, but they are well and truly not due for retirement, I must say.

The DEPUTY SPEAKER: Sixty is the new 40.

Mr PEDERICK: The Deputy Speaker said '60 is the new 40'; is that right?

The DEPUTY SPEAKER: Correct.

Mr PEDERICK: Very good.

- That the requirement for a resident of a retirement village to be retired be removed from the act.

That certainly gives a bit more flexibility, if that comes into legislation.

- That consideration be given to renaming the Act to more accurately reflect the current status of today's villages.

From looking at the report, I note that there is no general accreditation of villages to have them up to a certain standard, because they have all been built at various times and it would be difficult to get them all to the same standard. Having said that, they all have to be at a reasonable standard so they can operate under the act. I am going to run out of time, but recommendation 3 (out of the 34 recommendations) states:

That the Act be amended to remove the definition of administering authority of a retirement village and replaced with definitions of the following:

- Owner
- Operator
- Manager

As I said, there were 34 recommendations and I have only been able to quickly go through three of them in my contribution. We all get older, and I think the committee report needs to be acted on, and it needs to be acted on fairly and reasonably for all players so that everyone in retirement villages can have justice into the future.

Debate adjourned on motion of Mr Gardner.

*Bills***CRIMINAL LAW CONSOLIDATION (SEXUAL OFFENCES - COGNITIVE IMPAIRMENT)
AMENDMENT 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) (12:00): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. 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) (12:01): I move:

That this bill be now read a second time.

There is overwhelming evidence that people with a cognitive impairment are particularly vulnerable to sexual exploitation and other abuse, especially from those in a position of trust, power or authority. The existing law in South Australia is widely perceived as inadequate. The Criminal Law Consolidation (Sexual Offences—Cognitive Impairment) Amendment Bill 2014 is intended to address this inadequacy. The intention of the bill is to protect persons with a cognitive impairment from sexual abuse and exploitation, especially by those in a position of trust, power or authority, whilst respecting the sexual autonomy of such persons. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill introduces two new offences to the Criminal Law Consolidation Act 1935. First, to obtain either sexual intercourse or indecent contact through undue influence between a service provider and a person with a cognitive impairment. Secondly, the performance of an indecent act by a service provider without the consent of a person with a cognitive impairment or obtaining their consent to the act by undue influence. The penalty will depend upon the nature of the sexual activity. The offences exclude spouses or domestic partners.

If the service provider occupies a position of trust, power or authority, the presumption is that the offender exercised undue influence to obtain any consent from the person with a cognitive impairment. This presumption can be displaced on the balance of probabilities but only where 'the consent of the person was not obtained by reason of undue influence by the defendant.' The Bill uses the model of undue influence, drawing on the suggested approach of the Model Criminal Code Officers Committee, to define the offences.

Increasing access to justice for all South Australians is an important priority for the Government. In particular the Government has a proud history of supporting people with disability. The Government in June 2014 released its Disability Justice Plan with the aim 'to make the criminal justice system more accessible and responsive to the needs of people with disability.' The Plan provides for a comprehensive approach to improve access to the justice system for people with disability and provide increased support both in and outside court.

The Criminal Law Consolidation (Sexual Offences-Cognitive Impairment) Amendment Bill is intended to operate with other forthcoming legislative reforms and operational, cultural and training changes as part of the Disability Justice Plan to improve the position of persons with disability in the justice system and help ensure their equal treatment before the law.

The Bill draws on the extensive and fruitful consultation undertaken as part of the Disability Justice Plan, notably with the disability sector, and strikes a careful balance of the conflicting interests in this sensitive area.

Policy

Any offence to protect persons with a cognitive impairment from sexual abuse is inherently difficult to draft and needs to be carefully defined in light of the conflicting interests that arise. Whether or not specific offences to protect people with a cognitive impairment are appropriate is sensitive because, by removing the issue of consent, limits are arbitrarily imposed on their sexual rights. The aim of the Bill is to better protect the vulnerable in society, but to also respect the sexual autonomy of persons with a cognitive impairment.

The need to find this balance was highlighted by the Model Criminal Code Officers' Committee in 2001. This was a committee of experts including judges, prosecutors, defence lawyers, academics and lawyers from various Attorney-General's departments. The Committee received many submissions from interested parties and the disability sector.

The Committee emphasised the need to respect the sexual autonomy of persons with a cognitive impairment but accepted that in certain circumstances a specific offence was justified, namely where there was an inherent power imbalance between a person with a cognitive impairment and the offender and the breach of trust inherent in any sexual contact in this situation. The Committee suggested the focus of any offence in this area should be the exercise of undue influence.

The Bill draws on the views of the Victorian Law Reform Commission and the Committee and also the extensive consultation and comment, especially from the disability sector.

The underlying policy of the Bill is to protect persons with a cognitive impairment from undue influence and sexual abuse and exploitation, especially where the other party occupies a position of trust, power or authority over them, but crucially does so in a manner that does not undermine the sexual autonomy of persons with a cognitive impairment.

The Bill in Detail

The Bill introduces two new offences under the Criminal Law Consolidation Act 1935.

First, the Bill provides that a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment is guilty of an offence if he or she obtains or procures by undue influence either sexual intercourse or indecent contact with that person.

Second, the Bill provides that a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment is guilty of an offence if he or she behaves in an indecent manner in the presence of that person without the person's consent; or with the person's consent where that consent was obtained by undue influence.

This second offence is intended to reflect the offence of committing an act of gross indecency in the presence of a child. This second offence in the Bill covers the situation where there is no direct physical contact but the service provider performs an indecent act in the presence of the person with a cognitive impairment.

The Bill applies to the provider of any service to a person with a cognitive impairment, whether for payment or not. The Bill excludes spouses and domestic partners.

The Bill draws on the approach of undue influence suggested by the Committee but the Bill is not confined to carers given the problems and ambiguities with the modern usage of that term, especially in the disability sector. It applies to any service provider to a person with a cognitive impairment whether or not for remuneration. For example it would cover both the regular established transport provider to persons with a cognitive impairment as well as the one off transport provider such as a taxi or bus.

The Bill defines undue influence as 'including the abuse of a position of trust, power or authority.'

It is unhelpful to try and define undue influence any further. The presence of undue influence will be a question of fact and judgement in each case. It is inappropriate to rely on views as to what constitutes undue influence in the very different context of equity and civil law. Rather undue influence should be approached according to its plain and ordinary meaning having regard to the underlying policy of the Bill, namely to protect persons with a cognitive impairment from sexual exploitation or abuse while respecting their sexual autonomy.

It will be a question of fact in each case whether sexual intercourse, indecent contact or consent to the performance of an act of indecency has been either obtained or procured through the exercise of undue influence. Whether any influence exerted by a service provider amounts to undue influence will depend on the nature and degree of the cognitive impairment and the nature and degree of the influence or persuasion applied by the service provider.

If the service provider occupies a position of trust, power or authority, the presumption in the Bill is that the offender used undue influence to obtain or procure the sexual conduct in question. This presumption can be displaced on the balance of probabilities but only where 'the consent of the person was not obtained by reason of undue influence by the defendant.'

This presumption recognises that certain service providers by virtue of their status or the nature of their connection with a person will be particularly situated to exploit their situation and procure or obtain sexual conduct through undue influence. Such service providers should be held to higher standards than others.

The presumption of undue influence, drawing on the Canadian approach, will apply from the exercise and abuse of a position of trust, power or authority. The existence of a relationship of trust, power or authority is a question of fact in each case for the court and all of the circumstances of the relationship must be examined to determine the existence of an element of trust or power or authority, including the status of the accused, the age difference between the two parties, the evolution of the relationship and the circumstances under which the alleged offence was committed. The nature and extent of the cognitive impairment of the complainant will also be important in approaching this question under the Bill.

An example of the Bill's operation may be a taxi or bus driver. A one off transaction between such a service provider and a person with a cognitive impairment is highly unlikely to amount to a position of trust, power or authority and any offence under the Bill will only be committed if on the facts any sexual conduct has been obtained or procured by undue influence. But the regular established transport provider to a person with a cognitive impairment is likely to

be in a position of trust, power or authority and undue influence will be deemed to exist in obtaining or procuring any sexual conduct unless the accused can establish that it was not.

The Bill does not need to make specific provision for particular service providers.

The Bill takes a flexible and inclusive approach to what will constitute a cognitive impairment. The Bill provides a non-exclusive list of conditions that might amount to a cognitive impairment. This approach was also suggested by the Model Criminal Officers Committee. This approach is to be preferred rather than relying on a narrow definition of 'cognitive impairment' to define the terms of the offences. By firmly placing the focus of the offence on the exercise of 'undue influence', it is unnecessary to define or limit the offences by reference to the type and degree of disability or impairment to be covered.

The maximum penalty, consistent with the comparable general sexual offence, will depend upon the nature of the sexual activity.

Different and sincere views will be held as to how far this Bill should or should not go. The Government has drawn on the views expressed during the extensive consultation process, notably from the disability sector. The Bill strikes a careful balance to better protect the vulnerable in society while not impinging on the sexual autonomy of people with disability. The Bill strikes the proper balance in this sensitive area.

I would like to thank the Honourable Kelly Vincent and her office for making themselves available for consultation during the drafting process of this Bill.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Criminal Law Consolidation Act 1935

4—Insertion of section 51

This clause inserts new section 51 into the Criminal Law Consolidation Act 1935 that creates 2 new offences in relation to the sexual exploitation of persons with a cognitive impairment.

Firstly, in proposed subsection (1), a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment will be guilty of an offence if he or she obtains or procures, by undue influence, sexual intercourse or indecent contact with that person. This offence will be punishable with a maximum penalty of imprisonment for 10 years.

Secondly, in proposed subsection (2), a person who provides a service (whether for remuneration or not) to a person with a cognitive impairment will be guilty of an offence if he or she behaves in an indecent manner in the presence of that person either without the person's consent or with the person's consent where that consent was obtained by undue influence. This offence will be punishable with a maximum penalty of imprisonment for 3 years (in the case of a first offence) or 5 years (in the case of any subsequent offence).

Cognitive impairment is defined as including the following:

- (a) an intellectual disability;
- (b) a developmental disorder (including an autistic spectrum disorder);
- (c) a neurological disorder;
- (d) dementia;
- (e) a severe mental illness;
- (f) a brain injury.

For the purposes of both offences, a defendant who is, at the time of an alleged offence, in a position of power, trust or authority in relation to the victim of the offence, will be presumed to have obtained the consent of the victim by undue influence unless the defendant proves the contrary on the balance of probabilities.

The offences will not apply in relation to a person who is legally married to the person with a cognitive impairment or is the domestic partner of that person.

Debate adjourned on motion of Mr Gardner.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT 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) (12:02): Obtained leave and introduced a bill for an act to amend the Independent Commissioner Against Corruption Act 2012; and to make related amendments to the Criminal Investigation (Covert Operations) Act 2009 and the Crown Proceedings Act 1992. 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) (12:03): I move:

That this bill be now read a second time.

This bill amends the Independent Commissioner Against Corruption Act 2012. The amendments are made in response to specific requests from the commissioner to clarify some provisions and to facilitate some operational aspects of the legislation. This bill should not be seen as an opportunity to re-agitate the introduction of the 'reality TV' model of ICAC operating in New South Wales. The government would rather lose this bill than permit such an outcome.

The commissioner has urged the passage of this bill, in its current construction, as a matter of urgency. The commissioner has had the benefit of 12 months of operational experience with this legislation, so it is timely and appropriate to make amendments that will refine and improve some areas of the act. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Most importantly, the Bill will clarify the confidentiality provisions of the Act. It is fundamental to the operation of the Act that information provided to the Commissioner and the Office for Public Integrity is dealt with on a strictly confidential basis. However, the confidentiality requirements of the Act have made administration of the Act difficult for the Commissioner and the OPI and has caused some confusion for inquiry agencies, public authorities and public officers. Two areas of the Act will be amended to address this. First, the Bill amends the definition of 'publish' because upon a broad interpretation of that definition, information could not be communicated person to person. The intention, which is to prevent information becoming public, will be clarified by the new definition of 'publish', consistent with the definition of 'publish' in the Evidence Act 1929 where the emphasis is on communication to the public. The second amendment to clarify the confidentiality provisions will simplify sections 54(1) and (2) to remove any doubt about when information can be disclosed without the Commissioner's authorisation.

The Bill will also amend a number of other provisions to put the intent beyond doubt. These include inserting a new subsection into section 14 of the Act to clarify that police officers, whilst seconded to assist the Commissioner, retain their full police powers and new definitions of 'private place' and 'private vehicle' to make clear what was intended as to who has the authority to issue such warrants. The Bill will also amend section 36 to make it clear that the Commissioner may disclose to the relevant law enforcement agency or public authority information that the Commissioner has in respect of a matter. The amendment will also enable the Commissioner to issue directions and guidance to a public authority on a referral under section 36.

The Bill will amend the Act in a number of ways to facilitate the operation of the scheme, including:

- allowing the Commissioner, by written notice, to authorise an investigator to inspect and take copies of financial records which is similar to the power under section 49 in the Evidence Act 1929;
- providing for the Commissioner to delegate a function or a power under section 31 to an examiner;
- amending section 25 to include a further matter that the Commissioner is to have regard to when considering whether it is in the public interest to make a public statement. Section 25 of the Act allows the Commissioner to make a public statement in connection with a particular matter if, in the Commissioner's opinion, it is appropriate to do so in the public interest. The amendment will add to those matters: whether a person has requested that the Commissioner make the statement;
- allowing for the Commissioner or the Office for Public Integrity to request further information from an inquiry agency, public authority or public officer for the purposes of making an assessment;

- allowing for the person heading an investigation to require, by written notice, an inquiry agency, public authority or public officer to produce a written statement of information about a specified matter, or to answer specified questions. Section 28 currently does not allow for the investigator to require information from an inquiry agency or by way of answer to specified questions;
- expressly providing for evidence or information obtained by the Commissioner to be provided to and used by law enforcement agencies and prosecution authorities for the purposes of criminal investigation or proceedings and by public authorities for the purposes of disciplinary investigation or action. This amendment will put beyond doubt the use that can be made of information obtained through an examination or the exercise of other coercive powers;
- extending the period that a retention order applies from six months to a period of two years. The current limitation is insufficient given the extent of some investigations and time that material may need to be retained before proceedings are instituted for an offence relating to the material retained;
- removing the application of the designated period from items seized and retained by an investigator for the purposes of an investigation in corruption in public administration;
- providing for an investigator to return to a place where there is a retention order in place over a thing and to seize and retain that thing under the authority of the original warrant; and
- allowing, by agreement with the Police Commissioner, for persons performing functions under the ICAC Act to have access to confidential information and databases held by SAPOL for the purposes of assessments and investigations.

The Bill will also amend the Criminal Investigation (Cover Operations) Act 2009 to allow for an ICAC investigator to apply to the Commissioner to approve undercover operations for the purpose of an investigation under the ICAC Act and will amend the Crown Proceedings Act 1992 to remove the requirement for an examiner to give notice to the Crown Solicitor before issuing a summons to a Minister of the Crown to appear at an examination. Under the Crown Proceedings Act no subpoena or other process may be issued requiring a Minister of the Crown to appear, in the Minister's official capacity, to give evidence, or to produce documents, without the permission of the court, tribunal or other authority and permission may be granted only after the Crown Solicitor has been given reasonable notice in writing of the application for the subpoena or other process and a reasonable opportunity to be heard on the application. Clearly this process does not transfer comfortably into the examination process, where the summons for an examination is issued only for the purposes of an investigation into corruption in public administration where there are no parties, and the examination is conducted in private.

Finally, the Bill will amend Schedules 1 and 2 of the Act. The reference to employees under the Technical and Further Education Act 1975 will be removed from Schedule 1 because, as a result of the enactment of the TAFE Act SA 2012, which came into operation after the commencement of the relevant sections of the ICAC Act, these officers are now covered 'in the Schedule by reference to' an officer or employee of a statutory authority or statutory office holder and clause 3(9) of Schedule 2 will be amended to clarify the nature of the confidentiality orders that can be made by an examiner in relation to evidence or information given or received during an examination.

The Commissioner's well considered comments and suggestions have resulted in a set of amendments that will fine tune what has already proved to be a very successful legislative scheme.

I commend the bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Independent Commissioner Against Corruption Act 2012

4—Amendment of section 4—Interpretation

Section 4 is amended to substitute a clearer definition of 'publish' and to define the term 'seconded' for the purposes of those provisions dealing with seconded police.

5—Amendment of section 7—Functions

This clause makes a minor drafting amendment to section 7 to make the wording consistent with that used elsewhere in the Act.

6—Amendment of section 14—Examiners and investigators

This amendment provides that a seconded police officer or special constable continues to exercise his or her powers under the Police Act 1998 (and other laws) unless agreed between the ICAC and the Commissioner of Police.

7—Amendment of section 16—Delegation

This amendment allows delegation of the ICAC's powers under section 31 to an examiner.

8—Amendment of section 23—Assessment

This clause amends section 23 to allow the Office for Public Integrity or the ICAC to require, in assessing a matter, an inquiry agency, public authority or public officer to produce a written statement of information about a specified matter or to answer specified questions. Failure to comply is an offence punishable by a maximum fine of \$10,000 or 2 years imprisonment.

9—Amendment of section 24—Action that may be taken

This clause is consequential to clause 18.

10—Amendment of section 25—Public statements

This clause amends section 25 to specify that the ICAC will, in determining whether it is in the public interest to make a public statement, have regard to whether any person has requested that the ICAC make the statement (in addition to having regard to the current matters specified in section 25).

11—Substitution of heading to Part 4 Division 2 Subdivision 2

This amendment is consequential to clause 17 and ensures that the 2 headings match in style.

12—Amendment of section 28—Production of statement of information

This clause slightly broadens section 28 so that the person heading an investigation into corruption in public administration may require an inquiry agency, public authority or public officer to produce a written statement of information about a specified matter or to answer specified questions.

13—Insertion of section 29A

This clause inserts a new section allowing the ICAC to authorise an investigator to inspect and take copies of financial records for the purposes of an investigation into corruption in public administration.

14—Amendment of section 31—Enter and search powers under warrant

These amendments clarify the definitions of 'private place' and 'private vehicle' in section 31.

15—Amendment of section 32—Seizure and retention order procedures

This clause amends section 32 to alter the provisions relating to seizure and retention orders, in particular to allow for subsequent seizure of an item that is subject to a retention order, to remove the references to the designated period from the provisions relating to seizure and to extend the minimum designated period for the purposes of the provisions relating to retention orders from 6 months to 2 years.

16—Amendment of section 36—Prosecutions and disciplinary action

This clause amends section 36 to clarify certain issues relating to referral of a matter to the relevant law enforcement agency for potential prosecution, or to a public authority for potential disciplinary action, during or after a corruption investigation and to allow the Commissioner to give a public authority directions and guidance in such a case (similar to the power to give directions and guidance on a referral under section 38).

17—Substitution of heading to Part 4 Division 2 Subdivision 3

This heading is changed to reflect the fact that under other amendments the Commissioner will be able to exercise the powers of an inquiry agency in relation to a matter without referring the matter.

18—Insertion of section 36A

This clause inserts a new section as follows:

36A—Exercise of powers of inquiry agency

The provisions relating to the Commissioner's ability to exercise the powers of an inquiry agency are removed from section 37 (which deals with referrals) and placed in a separate section so that the Commissioner will be able to exercise such powers without referring the matter.

19—Amendment of section 37—Referral to inquiry agency

This clause clarifies the application of section 37 and makes some amendments that are consequential to clause 18.

20—Amendment of section 38—Referral to public authority

This clause clarifies the application of section 38.

21—Amendment of section 43—Referral of matter etc does not limit performance of functions

This clause clarifies the wording of section 43.

22—Amendment of section 45—Commissioner's annual report

This amendment is consequential to clause 18.

23—Amendment of section 50—No obligation on persons to maintain secrecy

This clause makes a minor clarifying amendment to section 50.

24—Amendment of section 51—Arrangements for provision of information by Commissioner of Police and Police Ombudsman

This clause slightly broadens the provision relating to making arrangements, so that the arrangements can relate to any persons performing functions under the Act and are not limited to the Commissioner, the Deputy Commissioner, examiners and investigators.

25—Amendment of section 54—Confidentiality

This clause simplifies and clarifies the confidentiality provision.

26—Insertion of section 56A

This clause inserts a new section as follows:

56A—Use of evidence or information obtained under Act

This section will make it clear that evidence or information obtained lawfully under this Act may be used for law enforcement and disciplinary purposes.

27—Amendment of Schedule 1—Public officers, public authorities and responsible Ministers

This clause deletes an obsolete provision from Schedule 1.

28—Amendment of Schedule 2—Examination and production of documents and other things

This clause is consequential to the new definition of publish.

Schedule 1—Related amendments and transitional provision

Part 1—Related amendments to Criminal Investigation (Covert Operations) Act 2009

1—Amendment of section 4—Approval of undercover operations

This amendment would allow an investigator to apply to the ICAC to approve undercover operations for the purpose of an investigation into corruption in public administration under that Act where the suspected corruption involves, or may involve, serious criminal behaviour

Part 2—Related amendments to Crown Proceedings Act 1992

2—Amendment of section 14—Permission to issue certain subpoenas etc

This clause makes a minor clarifying amendment to section 14.

Part 3—Transitional provision

3—Application of section 15

This is a transitional provision dealing with the amendments in clause 15.

Debate adjourned on motion of Mr Gardner.

HEALTH CARE (ADMINISTRATION) AMENDMENT BILL

Introduction and First Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (12:04): Obtained leave and introduced a bill for an act to amend the Health Care Act 2008. Read a first time.

Members interjecting:

The DEPUTY SPEAKER: Yes, but he is not alone, member for Heysen. No-one knows all the standing orders.

Members interjecting:

The DEPUTY SPEAKER: You had to look up arrest.

Second Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (12:05): I move:

That this bill be now read a second time.

The Health Care Act 2008 came into effect on 1 July 2008. The act changed the way hospitals and health services were administered in this state to ensure that the health care system is responsive to health care demands both now and into the future. The act has brought together hospitals and health services to deliver services that meet the needs of their local communities, while at the same time providing for greater coordination and accountability of services, with the minister and chief executive ultimately responsible for the delivery of services in South Australia. The act has provided, and continues to provide, a solid governance basis for the system as it strives to reform health services and provide effective and efficient modern health services that meet the changing health service needs of the community.

The Health Care Act (Administration) Amendment Bill 2014 before the house seeks to make a number of amendments to the act, aimed at ensuring the act continues to function effectively and meets the administration and governance needs of the South Australian public health system, and to clarify the intent of some of the act's provisions.

The bill is the same as that which was passed in the House of Assembly of the Parliament of South Australia on 30 October last year and read a second time in the Legislative Council on 31 October 2013. The bill was not progressed at that time due to the subsequent prorogation of the parliament. The bill will therefore be familiar to those members who were sitting members of the previous parliament. I seek leave to have the remainder of my second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill covers seven areas of amendment, which I will now outline in detail for the benefit of members.

Fees for services provided by the SA Ambulance Service that do not involve ambulance transport

Section 59 of the Act allows the minister to set fees, by notice in the Gazette, to be charged for ambulance services. An ambulance service is defined in the Act as 'the service of transporting by the use of an ambulance a person to a hospital or other place to receive medical treatment, or from a hospital or other place at which the person has received medical treatment.'

The Act, however, does not currently provide a basis for the minister to set fees for services provided by South Australian Ambulance Service paramedics that do not involve transportation in an ambulance. These type of services are those where a member of the South Australian Ambulance Service responds to a request for emergency medical assistance and attends a person's home or some other place to provide emergency assistance, and the person is then assessed and/or treated at that place but then does not require transportation by an ambulance. These services are commonly referred to as 'treat no transport' services.

Fees are currently set and charged for these services, under the *Fees Regulation (Incidental SAAS Services) Regulations 2009* under the *Fees Regulations Act 1927*. This situation is an anomaly for fees charged by SA Health for the provision of health services, as all other fees for services are provided for under the *Health Care Act 2008*. The Bill therefore makes provisions to allow fees to be set for incidental services such as 'treat no transport' services and to be set in the same way as all other fees for health services under the *Health Care Act 2008*.

Employment of clinicians in the Department for Health and Ageing (central office)

This amendment is technical in nature and seeks to provide an appropriate mechanism for the employment of doctors, nurses and midwives to work in the central office of the Department for Health and Ageing. There are a number of positions within central office that require the professional skills, qualifications and clinical knowledge that only medical practitioners, nurses and midwives possess. These are existing funded positions within the department to provide independent professional advice to the Chief Executive, the Chief Public Health Officer and the minister.

The department employs medical practitioners, public health medical practitioners and nursing and midwifery staff to undertake key clinical advisory functions related to their professions. For example, as part of its public health role, the department receives notifications of prescribed diseases and medical conditions and these notifications may require public health responses. For example, doctors and nurses are employed in the department to provide a public

health clinical response to diseases such as meningococcal disease where advice needs to be given as to which of the people in contact with an individual who has meningococcal disease need to receive antibiotics. The department's clinicians also provide advice on immunisation to doctors, nurses and the community, receiving over 16,000 calls per year. Clinical expertise is essential within the department both for policy advice and for linkage with professional clinical networks.

In South Australia, a medical practitioner, nurse or midwife working in a public hospital is employed pursuant to the *Health Care Act 2008*. The relevant industrial awards and agreements, that is, for medical officers: the South Australian Medical Officers Award and the SA Health Salaried Medical Officers Enterprise Agreement 2013 and for nurses and midwives: the Nurses (South Australian Public Sector) Award 2002 and the Nursing/Midwifery (South Australia Public Sector) Enterprise Agreement 2013. These awards and agreements not only outline the conditions of employment for these clinicians but also recognise specific career structures and continuing professional development requirements for these professions.

It was previously thought that clinicians could also be employed to work in the Department for Health and Ageing's central office under section 34 of the Act, if they performed functions in connection with the operations or activities of an incorporated hospital. However, the Act as currently worded does not support this, and clinicians working in the department would be required to be employed under the *Public Sector Act 2009*, pursuant to the South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2012, as the department is defined within that Act as an administrative unit of the public sector.

It has become apparent to the department that this is not an appropriate employment mechanism because the SA Public Sector Salaried Employees Interim Award and the South Australian Public Sector Wages Parity Enterprise Agreement: Salaried 2012 do not recognise the qualifications, entitlements and continuing professional development requirements for these professions. The government believes that clinicians who choose to work in the department should be able to retain any entitlements in line with their professional award. Continuing these professional entitlements will also assist the department to continue to attract and retain suitably qualified medical practitioners, nurses and midwives and ensure flexibility in the workforce across the department and the public health system.

The employment and conditions of employment of clinicians currently engaged to work in the department remain secure since the bill includes specific transitional provisions that ensure this. The provisions should also provide certainty to these employees that their employment, conditions and entitlements are not in any way altered by the previous oversight and by the introduction of the new employment mechanism as set out in the bill. The South Australian Salaried Medical Officers Association and the South Australian Branch of the Australian Nursing and Midwifery Federation have been notified about the government's intention to correct the anomaly that exists and to ensure equity with those working in incorporated hospitals and they recognise that this is a needed technical amendment.

Proclamations to dissolve three now non-operational incorporated associations and transfer their assets to the appropriate incorporated Health Advisory Council (HAC)

The bill includes specific transitional provisions to resolve some ongoing issues related to three non-operational incorporated associations namely, Lumeah Homes Inc. (Lumeah), Miroma Place Hostel Inc. (Miroma), and Peterborough Aged and Disabled Accommodation Inc. (Peterborough) that attempted transfer of their assets and their undertakings to their local country hospital sites in the 1990s and early 2000s.

At the time of the attempted transfers, the associations, and hospitals involved, which were then incorporated under the former *South Australian Health Commission Act 1976*, determined that the assets, liabilities and undertakings of the associations should be transferred to the hospitals. However, these transfers were never legally effected and as such the assets legally remain with the non-operational incorporated associations, although they have in practice been managed by the country hospital sites since the time of the transfers.

Since then, the *Health Care Act 2008* came into operation and Health Advisory Councils (HACs) have been established for specific geographical country communities. The functions of these HACs include holding assets on behalf of the country hospital sites to which they relate. The country hospital sites are all part of the Country Health SA Local Health Network Inc. If the assets of the non-operational incorporated associations had been legally transferred to the relevant country hospital sites at the time, they would now rightly be held by the relevant HAC. The transitional provisions included in the Bill will allow for these outstanding issues to be resolved and for the assets to be formally transferred to the appropriate local HACs, as is envisioned by the Act. The HACs that will formally receive these assets are the Lower North HAC, Lower Eyre HAC and the Mid North HAC. It will also enable the cancellation of the incorporation of the named associations whose functions were taken over under the *South Australian Health Commission Act 1976*.

Remaining areas of minor amendments

The Bill includes a small number of other minor amendments that are necessary to improve the functioning of the Act, and to clarify the intent of certain provisions. These amendments include:

- a minor amendment to the wording of section 29(1)(b) of the Act, to clarify that a body under the Act does not need to be providing services and facilities specifically to an incorporated hospital for the undertaking of that body (or part thereof) to be transferred to the incorporated hospital. That is, the body

that will be transferred may not have been providing anything to an incorporated hospital, but it can still have its assets, liabilities and undertakings transferred to an incorporated hospital under this section.

- a new provision to be inserted into Part 5 of the Act to allow the Governor, on application from the minister, to make proclamations to transfer functions, assets, rights and liabilities from one incorporated hospital to another, without the incorporated hospital to which these first belonged being dissolved. At present the Act only allows for these transfers to be made in the event that an incorporated hospital is dissolved. The proposed new provision is expected to provide greater flexibility in the establishment and management of incorporated hospitals over time.
- removing section 49(5) of the Act which allows the minister to determine a constitution for the South Australian Ambulance Service (SAAS). This section is not required given that the functions and powers of SAAS are clearly set out in the Act. A constitution has not been determined for SAAS since the Act came into operation, and is not required for the effective functioning of SAAS.
- two minor amendments will be made to section 93(3) of the Act. The first amendment is to indicate more precisely when disclosure of information can be made legally, that is, disclosures can be made when 'required or authorised by or under law'. The current wording which reads 'required by law' does not adequately reflect the situation where disclosure of information can be authorised in some circumstances by or under law. The second amendment is to add the term 'substitute decision-maker' to the list of persons who may request, or provide consent, for information about a person to be released, so that it aligns with the provisions of the Advance Care Directives Act 2013, which will come into operation on 1 July 2014.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health Care Act 2008*

4—Amendment of section 29—Incorporation

This clause amends section 29 of the principal Act by substituting subsection (1)(b) to allow all or part of the undertaking of a specified person or body to be transferred to an incorporated hospital.

5—Insertion of Part 5 Division 1A

This clause inserts new Division 1A into Part 5 of the principal Act. That new Division consists of section 32A, which enables the Governor to transfer functions, assets, rights and liabilities of one incorporated hospital to another and to make other related provisions.

6—Amendment of section 49—Continuation of SAAS

This clause deletes subsection (5) from section 49 of the principal Act.

7—Amendment of section 59—Fees

This clause substitutes section 59(1) of the principal Act, allowing the minister to set fees for the provision of incidental services provided by SAAS and defines what such incidental services are.

8—Insertion of section 89

This clause inserts a new section 89 into the principal Act. The new section enables the employing authority to appoint certain skilled or experienced people to assist the CE or the department in the performance of their respective functions. The new section also makes provision regarding the nature of such employment arrangements.

9—Amendment of section 92—Conflict of interest

This clause makes an amendment to section 92 of the principal Act that is consequent upon the insertion of new section 89.

10—Amendment of section 93—Confidentiality

This clause amends section 93 of the principal Act to clarify when confidential information may be disclosed, and who can consent to its disclosure.

Schedule 1—Transitional provisions

1—Employment

This clause makes transitional provisions that allow the CE to determine that certain employees of the department will be taken to be employed under new section 89 as inserted by this measure.

2—Cancellation of incorporation etc of certain associations

This clause makes transitional provisions in respect of 3 incorporated associations. The functions of the associations were previously taken over under the *South Australian Health Commission Act 1976*, but the incorporation of the associations was not cancelled at the time and certain assets not transferred. The clause allows the Governor to correct the anomaly in each case.

Debate adjourned on motion of Mr Gardner.

STAMP DUTIES (OFF-THE-PLAN APARTMENTS) AMENDMENT 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) (12:08): Obtained leave and introduced a bill for an act to amend the Stamp Duties Act 1923. 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) (12:09): 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 introduces legislative amendments to extend the stamp duty concession for apartments bought off the plan to include the inner metropolitan area.

The inner metropolitan area includes apartments in developments within the area of Regency Road, Hampstead Road, Portrush Road, Cross Road, Marion Road Holbrooks Road, East Avenue and Kilkenny Road. The extended area also includes sites that are contiguous to the boundary of that area (i.e. will include sites on both sides of the bordering roads).

In the 2012-13 Budget, the government announced a stamp duty concession for purchases of eligible off-the-plan apartments, with the aim of encouraging higher density inner-city living in line with the government's 30-year plan. The concession provides a full stamp duty concession for off the plan contracts entered into up to 30 June 2014 (inclusive), capped at stamp duty payable on a \$500,000 apartment and a partial concession for the next two years.

In 2013, the government announced that it will rezone some inner metropolitan areas to allow for greater residential growth. The new zones will allow new mixed commercial and residential developments in targeted inner metropolitan areas.

The government wants to encourage multi-storey living in the inner metropolitan area and has therefore announced that it will extend the off-the-plan stamp duty concession to multi-storey developments within the defined inner metropolitan area.

The extended off-the-plan stamp duty concession will be available for buyers of apartments within the inner metropolitan region who enter into an eligible off-the-plan contract from 28 October 2013. All other eligibility criteria remain the same.

Applications for stamp duty concessions on eligible off-the-plan apartments within the expanded boundary area are currently being submitted to RevenueSA to be paid by way of *ex gratia* payment until the *Stamp Duties (Off-The-Plan Apartments) Amendment Bill 2014* comes into operation.

Together with the planning reforms and the government's investment in public transport, these reforms support the Government's objective of building a more vibrant city that offers an increased choice of housing and the opportunity for more people to live centrally.

I commend this bill to the house.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause provides for the short title of the measure.

2—Commencement

The measure will be taken to have come into operation on 28 October 2013.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Stamp Duties Act 1923*

4—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

This clause sets out a series of amendments that will extend the operation of section 71DB of the Act to the purchase of apartments under an off-the-plan contract with respect to an area to be designated as *Area B* under these amendments (being a contract entered into on or after 28 October 2013).

5—Insertion of Schedule 3

This Schedule sets out the plan to be used for the purposes of identifying *Area B* under section 71DB of the Act (as amended by this Act).

Debate adjourned on motion of Mr Pederick.

PUBLIC FINANCE AND AUDIT (TREASURER'S INSTRUCTIONS) AMENDMENT 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) (12:09): Obtained leave and introduced a bill for an act to amend the Public Finance and Audit Act 1987. 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) (12:10): 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.

The *Public Finance and Audit Act 1987* provides the framework for the financial management of public finances. The ability for the Treasurer to issue instructions binding public authorities is central to providing a framework that advances accountability, integrity and transparency for the benefit of the State. This Bill clarifies matters relating to the application and scope of Treasurer's Instructions and makes minor amendments of a statute law revision nature

The main purpose of the Bill is to make it clear that a general provision in an Act establishing a public authority, such as a power to enter contracts (or even a more specific provision such as a requirement to have a particular body approve a contract), will not override a requirement of Treasurer's instructions applying to the public authority, for example, requiring an approval of the Treasurer or delegate to be obtained for entry into a contract. While these matters can be clarified in relevant charters and directions for particular bodies, the amendments are designed to improve general understanding about the relationship between Treasurer's Instructions and provisions of an Act providing a public authority with functions and powers.

The opportunity is also being taken to clarify the scope of Treasurer's Instructions so that it is clear that they may regulate any matter related to the receipt, expenditure or investment of money, the acquisition or disposal of property, or the incurring of liabilities, by the Treasurer and public authorities.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Public Finance and Audit Act 1987*

3—Amendment of section 4—Interpretation

This amendment adds a definition of property to make it clear that it includes any type of property including contingent rights.

4—Amendment of section 5—Receipt of public money

This amendment is consequential on including both real and personal property within the definition of property.

5—Amendment of section 41—Treasurer's instructions

The addition of paragraph (f) to subsection (1) is designed to ensure that Treasurer's Instructions may regulate any matter related to the receipt, expenditure or investment of money, the acquisition or disposal of property, or the incurring of liabilities, by the Treasurer and public authorities.

New subsections (4) and (5) clarifies that Treasurer's instructions may refer to standards etc published by the Australian Accounting Standards Board or Standards Australia.

Subsections (6) and (7) are designed to ensure that a public authority's powers and functions are read subject to Treasurer's instructions. It is only if it is not possible to comply with both the Instructions and the authority's Act, that the Instructions give way.

Schedule 1—Statute law revision amendment of *Public Finance and Audit Act 1987*

The Schedule contains further amendments of the Act of a statute law revision nature.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 28 October 2014.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:10): I have acknowledged that in the Magistrates Court Act section 7(2) makes provision for the process that is to prevail in the event that the Chief Magistrate is absent from his or her duties, namely the provision for the Deputy Chief Magistrate to assume those duties of office. I had left this previous debate on the basis that there is specific provision in the Magistrates Court Act for dealing with those absences, as distinct from the silence that prevailed in respect of the District Court Act and the Supreme Court Act as to what would happen in the event that the Chief Judge or Chief Justice were not available for their duties. Those acts were silent on that provision and the practice, as I understand it, prior to amendments that we dealt with, I think, last year, was that the senior puisne judge in those jurisdictions would be called upon to provide those services during the absence of the chief justice or chief judge respectively.

So a very different situation prevailed. They were silent, and it was reasonable in those circumstances for the government to bring to this parliament amendments to those acts to make provision for what the practice was to be in the future. The government's position on this amendment that they bring in respect of the Magistrates Court Act is to say:

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

It goes on to explain that there had been amendments to the District Court and Supreme Court acts, which I have just traversed, and to give the explanation that section 7 of the Magistrates Court Act makes the provision, as I have also identified. It goes on to say:

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.

That is the position of the government. That is their justification for coming here in this portfolio bill and adding in a new regime that is to apply for the absence of the Chief Magistrate of the Magistrates Court.

Firstly, we say, largely for reasons I have already outlined, that the District Court and Supreme Court circumstances are distinguishable. They were; there was a justification for bringing those matters to the parliament, but the Magistrates Court on the other hand, under their act, already has a very clear position—a very clear position. It raises the question of: what is the real purpose of the government bringing this amendment to us for approval?

In considering this matter, I think the parliament needs to be refreshed and I think the Attorney-General certainly needs to be refreshed on the important principles surrounding judicial independence and the essentiality and significance of that in not only our country's history but all civilised democracies in the world. Article 10 of the Universal Declaration of Human Rights affirms, and I quote:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

I also have Article 14.1 of the International Covenant on Civil and Political Rights, ratified by Australia, which provides:

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

It is significant to say that of the many academic discussions and legal interpretations, when we talk about the requirement to have judicial independence, it is more than simply a case of saying the judiciary must be independent in the determinations which in our system are made by the courts. In other words, that the actual decisions that are made are independent from influence and threat or fear or favour and the like; that it does go beyond that.

There has been much discussion because of the advent of expansion of judicial determinations and interpretations going beyond our traditional court system to now what is a myriad of tribunals that have been established over a long period of time and which, obviously, provide an important adjunct to the formal courts that we have. I think it is fair to say that whether it is a court or a tribunal, this message is clear and permeates that position.

It is also important that we remind ourselves of what I think has become an international sport of sacking judges when prevailing governments or dictatorships do not like the decisions that judicial officers make. The most impressive to me, at the time, was the sacking of the entire Supreme Court in Pakistan, which was a shameful act of the government of the day. The world responded with international condemnation of that act. Indeed, a number of those dismissed judges of their superior court travelled the world to send the message that was very important to countries that signed up to judicial independence and the importance of the rule of law and the separation of the judiciary from influence or interference by executive or, indeed, the parliament.

Ms Redmond: You'd think we'd be safe in Australia.

Ms CHAPMAN: You would think you would be safe in Australia. The most recent case, actually, was one in Australia, and I now talk about the dismissal of the Hon. Geoff Eames, as the Chief Justice, who was to have a role in Nauru. I raise this because of the extraordinary response from the Australian Labor Party and, indeed, many people around Australia at the time when, on 19 January of this year, the Nauru government removed from office and deported the Resident Magistrate, who was also the Supreme Court Registrar, Mr Peter Law.

In removing him, action was then taken at an executive level to replace him with a solicitor who was flown in from Melbourne. The federal government, newly elected, came under some criticism in respect of the injunctions that were then made in Nauru, which were ignored, and Mr Law was deported some days later in January this year. The Nauru government had effectively removed him, and Chief Justice Geoff Eames, who is resident in Melbourne, was then called in to attempt to deal with the matter, and his visa was withdrawn and he was unable to fly.

I suppose, to some extent, that issue has now been resolved, but it ought to remind us—and I make this statement that will probably be seen to be unsympathetic to the views of the foreign minister and other ministers in the Abbott government at the time, but that does not deter me—that it is very important that the rule of law is not only recognised but is followed. Implicit in that is the

importance of ensuring that we do not invoke some fear or expectation of favour for those who are undertaking judicial duties in our courts and, indeed, in our tribunals, that they would be influenced by an attorney-general, a government, or a particular public policy which is attempting to be invoked to cause some influence or interference. That rule of law is important.

I conclude by saying that in that regard we have provision for the Supreme Court in particular to apply equally international statements to the removal of judicial officers. In accordance with those principles no judicial officer may be removed from office without good reason and without the opportunity to contest any allegations pursuant to a transparent process in accordance with the law. It is fair to say that in relation to the Law/Eames case earlier this year, unsurprisingly they felt aggrieved and accused the whole process, in particular the Nauru government, of blatantly denying those principles which, of course, are at the heart of our democracy.

I do not want to labour the point, but I hope that the Attorney-General understands how seriously we treat the adherence to that principle and the recognition of it. Any weakening or undermining of it should be categorically rejected. If he, after being refreshed and reminded of that responsibility is the first law officer of the state, wants to progress with that part of his bill, then it will be a sorry day. I want to outline the facts in respect of the amendment that we are being asked to consider, remembering the rule of law and the principles that we have to apply not only deals with dismissal, or the threat of dismissal, if a judicial officer does not do what a prevailing executive government wants but also denies them the opportunity to make a contribution to the debate if there is going to be some edict in relation to it.

Secondly, these aspects of exclusion from a higher duty, which is the subject of this amendment, or any other aspect that would tamper with or intimidate someone who is in judicial office into complying with what they think the government wants, are totally unacceptable. I want to recount the facts as we see them.

Firstly, the current Chief Magistrate, Ms Bolton (who I think is universally regarded in her office) has, for personal reasons, given notice that she will need extended leave for an indefinite period from her position. We totally respect that and there is absolutely no point, nor do I intend, making any further statement about the reasons for that. We entirely accept them, and we do not, in any way, reflect on her notice in this regard as being of any influence in what the government have now decided they are going to do about it, or use for their own purpose.

Secondly, Dr Andrew Cannon is the current Deputy Chief Magistrate of the Magistrates Court and has been in that office for a number of years. He has been a magistrate for many years and has undertaken the duties of acting chief magistrate for months at a time when the then chief magistrate was unavailable to carry out her duties for another reason.

Ms Redmond: And, similarly, highly regarded.

Ms CHAPMAN: And, similarly, highly regarded as the member for Heysen points out. I want that to be resonating in the minds of our members here when they are then asked to consider voting on this part of the bill.

The third fact is that Dr Andrew Cannon was a victim of defamatory statements in the public arena by the former attorney-general. I do not need to traverse those; they are well known, and they are part of litigation in another court. Dr Cannon was carrying out his duties, and in the course of carrying out those duties he made a decision which obviously inflamed the former attorney because he did not agree with it, and he had some statements to make about it which were defamatory.

Fourthly, Dr Cannon successfully sued the former attorney-general for defamation and was granted a substantial payment as a result of that. Again, I do not need to traverse the detail of it, but obviously the taxpayer had to pick up the bill, which is not unusual in litigation because it is fair to say that the former attorney is a veteran when it comes to defamation proceedings. He is usually the plaintiff or the applicant in those cases, and I do not need to go on and traverse the success or otherwise of that. Let me just say that he is a veteran, so it is no mean feat for Dr Cannon to have won that. Nevertheless, that is a fact.

It is also a fact that in recent times this government moved to effectively remove Dr Cannon from his position as magistrate by reducing the retirement age for magistrates from 70 to 65—they

introduced a bill into this parliament months before Dr Cannon was to turn 65. The whole world is moving for later retirement—including the government in the WorkCover legislation in the Return to Work Bill which will now follow the federal initiatives. But no—they introduced legislation in a clear attempt to remove Dr Cannon from his office.

They did not have the courage to try to present or argue a case that for some reason he was not fit for office; they were going to get rid of him by reducing the retirement age. The member for Heysen and others on this side of the house said that we will not accept that; we will stand clear and firm in our utter rejection of the attempt by the executive to come to the parliament, having not exercised their own courage, and try to get our blessing, our approval, to dismiss this person from office based on age. It was a disgraceful attack and, fortunately, in the end the Attorney-General backed off and that was not pursued and Dr Cannon remained in office. It was utterly rejected by this side of the house so, when the government came into this parliament with a bill to sever, effectively, Dr Cannon's automatically assuming the role of Chief Magistrate during a sustained period of absence that was anticipated by the Chief Magistrate, we smelt a rat.

It is really concerning, because the Attorney-General should be aware that, first, we are not fools on this side of the house. We will not just have something tacked onto the end of a piece of legislation which he brings into the parliament to deal with 'minor errors, omissions and other deficiencies'. What a lot of rot. This is a major reform that he has tacked onto his legislation in the hope that we would not notice, perhaps: I do not know. But, it certainly caught our attention.

But let me tell members who else's attention it has caught. It has caught the attention and the utter dismay of members across the legal profession and the judiciary. I am not here to name people—I am not going to be doing that—but what I will say is I have had (as I am sure other members have) magistrates, senior members of the bar, members of organisations representing lawyers and other members of the legal profession roundly condemn this action by the government to attempt to undermine not only the rule of law but, in this case, a direct and targeted attack on one individual.

I do not know what Dr Cannon has done in life (other than successfully sue the former attorney-general) that should incur the wrath of the government so that they are absolutely outraged, but I can guess why they have come up with the next charge, because the other thing the profession is outraged about is that this will, of course, if passed, allow the government to put in someone they think is going to be more compliant, perhaps, or more accommodating at the meetings of the chiefs of the courts and the Attorney-General about what they want.

The Attorney-General, of course, does and should meet with the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate to be advised from their senior positions for the purposes of considering future conduct of their courts and, also, rules that the judges may promulgate. So it is important that they have a role, and a constructive role, in working with the government in respect of those matters. The only one who is not the captain's pick (the Attorney's pick) in that role for a sustained period of time is the Chief Magistrate, who is now going to be on leave and, if the rules were invoked, under the current law Dr Cannon would be sitting in that forum.

So, what does the Attorney-General do? He brings in this amendment, and who is waiting in the wings? Who is out there in the list now who has caught the attention of the Attorney as a logical successor, a logical person to be invoked into that role, perhaps for a year or two years—who knows? The Deputy Speaker looks with anticipation. I think still the most recent appointment to the magistracy was the appointment recently, of course, sponsored by the Attorney, of Mr Nick Alexandrides. Mr Alexandrides would be well known to most members here in the parliament. He was the former chief of staff to premier Rann, and I do not want to reflect on his capacity. Others will have a view on that. I have a view and I do not need to repeat that to the parliament.

He was appointed. He was legally qualified for that position and was appointed, and presented by the government as suitable. Guess what? The profession, and other senior people in the judiciary, have woken up to the government's plot here and that is, of course, to put in one of their own. Obviously, they are sceptical about whether that is going to be Mr Alexandrides. It may be

someone else, because we have a number of magistrates, the Attorney intends to slot in if this piece of legislation goes through.

Our side of the house will not have the rule of law undermined. Our side of the house will not agree to a change of legislation which is totally unjustified and distinguishable from the District Court Act and Supreme Court Act amendments which preceded it last year. We will not be party to a partisan appointment of anyone, whether it is Mr Alexandrides or anyone else, in those circumstances. The very act of the Attorney trying to tack on this amendment under the Attorney-General's portfolio bill exposes the clear intention—

Ms Redmond: Conniving.

Ms CHAPMAN: —and the conniving—absolutely! Good word, member for Heysen—conduct of the government. If the Attorney-General has any shred of decency, as the first law officer of this state, he will pull that amendment to his bill from the parliament. In the absence of there being any justified basis for it, in the circumstance where it is open to abuse by this Attorney-General, or indeed any other attorney-general who might follow, we say that that should be rejected.

The second area of controversy about this bill, which I am happy to have a bit more to say about in committee but place on the record, is the proposal to allow for temporary prohibited weapons class exemptions. This is an amendment that is proposed to the Summary Offences Act to allow for certain exemptions for use of prohibited weapons. As members would probably know, the Summary Offences Act obviously prohibits a whole list of prohibited weapons. That list has been expanded over the years, certainly in the time I have been here in this parliament.

There is provision under the current act for certain classes to be exempt, including organisations such as the Freemasons and the Scottish historical groups, so that for certain activities they are exempt and able to have in their possession, put on display, use for a march or a parade, for example, certain things that would otherwise be prohibited. The amendment here is necessary to allow for an exemption of up to one month to be used on an urgent basis for, as he says, 'a festival or an event'.

The current position, as I understand it, is that an application can be made for a special occasion and it goes out to consultation with the police and other stakeholders, depending on the relevance to that, for advice as to security and other aspects, and it is open to the Attorney to grant an exemption for the purposes of some display or the like. That can happen now. The Attorney is asking this parliament to give him the right to exempt a class of persons from the offence of possessing, using, manufacturing, selling, distributing, supplying or otherwise dealing with a prohibited weapon for up to a month. What for?

Unless we are going to have an arms convention in the newly refurbished Convention Centre in 2015 that is going to go for two weeks and we do not know about it, and he wants to have some special capacity to give them some exemption, why are we being asked in this parliament to give that sort of power to the Attorney-General? I have asked that question, and I thank members of staff from his office for providing a briefing. I have a letter back from the Attorney-General and, guess what? He just repeats the same stuff that is in the second reading explanation.

It is just a complete whitewash of any detail of any justification for this to be imposed. It is not as though the Attorney-General has not and could have offered a confidential briefing if there was some special activity that was going to be coming forward that somehow or other needed to be secret or whatever. He could have offered a confidential briefing. We do that quite often in this area of portfolio responsibility, and I receive it and I have complied with that when it is appropriate.

There has not been a shred of extra information to justify the imposition of this, and not any basis, apart from a festival or event, which is repeated in the correspondence, as to why on earth it would ever be necessary for a minister to have the power to temporarily exempt a class of persons to manufacture, sell, distribute or supply a prohibited weapon. For goodness sake! Are we going to be setting up some arms factory in this state, some sort of temporary provision in case we are invaded with Ebola? Who knows?

I just make the point that in an environment where the government is out on a daily basis providing sympathetic support to the exclusion of guns in our community that are used in

circumstances where we have the grotesque outcome of people being seriously injured or wounded by guns or knives in an environment where they are seeking to make it accessory to murder with respect to the provision of a firearm.

They are asking us in the parliament, in that envelope of concern for the community, for the Attorney-General himself to have power to have arms out there and exempt for up to a month, including to sell or manufacture, and it is just outrageous. I think that it is insulting to this parliament that they give us this infinitesimal bit of information, which provides no justification whatsoever for such an expanded power. We roundly condemn that initiative by the government.

I think that the Attorney-General needs to give some explanation to the people of South Australia as to why he has even come into this parliament with this legislation, particularly in light of recent events—why he has not given notice that he will be withdrawing the requirement for that, giving some reassurance to the public of South Australia that he is genuinely concerned for the safety of South Australians and that he will not be proceeding with this type of legislation. With those few comments, I look forward to the committee stage.

Ms REDMOND (Heysen) (12:42): I rise to speak on this bill, the Statutes Amendment (Attorney-General's Portfolio) Bill, and to endorse the comments of the deputy leader in respect of the various aspects of this bill. The bill essentially has half a dozen different amendments to different things, and I will run through them briefly.

As the deputy leader has already said, the stated purpose given by the Attorney-General, when he introduced the bill, was to remedy 'minor errors, omissions and other deficiencies' and, indeed, some of them are minor corrections. In fact, the bill is what I think we colloquially call a rats-and-mice bill, in most respects. I will run through briefly the various aspects of it. The first one is the signing of death certificates. Essentially, the explanation given by the Attorney-General in the second reading is perfectly reasonable, and I quote from the second reading. He says:

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...care immediately before death...

The wording of one of the certificates being required by a medical practitioner who was responsible for the deceased's medical care immediately before death potentially created practical problems for the registrar in relation to the issuing of a cremation permit if the treating doctor was unavailable—for example, if the treating doctor was away overseas. This issue had arisen, and what they did was to address it in the short term, and again I quote from the Attorney-General's second reading explanation. He says:

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...

Regulation 8 was amended and provided that, where the person who was normally responsible for the deceased's care was unavailable, it could be signed by a medical practitioner who examined the body after the deceased's death. The Attorney-General concludes his comments on this aspect by saying:

However, this matter is better dealt with in the Act and the Bill amends the Act to that effect.

I have no difficulty with that, other than you may recall, Madam Deputy Speaker, in a recent sitting of this chamber I raised a matter about sun beds and the lack of proper process. I said in my argument on that—and I was not trying to argue in favour of sun beds as opposed to getting rid of them—that it was an issue that should come before the parliament and should be in an act, not the regulations. I copped a lot of flack for that, as I often do, but the reality was that that is the very argument that the Attorney-General is putting in this case, that these things are better dealt with in the act. Even though there is already a regulation in place to deal with this particular rats-and-mice problem, the Attorney has brought in an amendment to the act because he says it is better dealt with in the act.

The second matter is the child exploitation material. I will briefly say that I absolutely accept the argument that the term previously used of 'child pornography' does not really impart the seriousness of the offence. There are those in the community who even feel there is nothing really wrong with simply looking at pictures and not actually engaging in sexual activity, but that attitude

belies the evil perpetrated against children to create the material. As suggested by the deputy leader in her comments yesterday, it is inherently abusive to have that material produced in any way.

The third item is a matter of the resentencing for subsequent cooperation with law enforcement agencies. To say the least, this is really one for the lawyers. I think the general view of the public is that they would understand the concept that, when a court is sentencing, they take into account the fact that an offender has cooperated with the police (or other prosecuting authority) and the earlier and fuller the cooperation, the bigger the discount that will be applied in the sentencing. I think that the public actually already get that.

It is no great stretch from that to add an aspect with which the public, I think, may not be so familiar, and that is that once in prison there may still be a community interest in trying to get an offender who is already convicted and serving time to provide further cooperation to law enforcement authorities. That is unlikely to occur unless the offender can get some benefit and there is already a provision that allows for that. We introduced in 2012 an amendment to the Criminal Law Sentencing Act 1988 which introduced section 29E, so there is already a provision that says that when you cooperate with the authorities and provide them with further information, even while you are in prison, then you can be resentenced.

The technical difficulty with the amendment that is now being proposed is to overcome the fact that they needed to figure out whether you had to deal with the sentencing as it was at the time of the offence or as it was at the time of the resentencing. The reason for that—and the Attorney gives the best explanation, I think, that could be given in his second reading—is where the Attorney talks about the fact that, for instance, someone might already be serving a term for murder and, before we introduced the mandatory minimum of 20 years, that person may in theory have been sentenced to an 18-year term for murder.

If that person subsequently cooperates with the authorities whilst serving that term, and they are eligible for resentencing to get some sort of discount on their sentence because of their cooperation, then are they to be resentenced on the basis of the 18 years to which they were originally sentenced or are they to be resentenced going out to a 20-year minimum mandatory sentence and therefore not necessarily get a benefit? So the effect of the proposed legislation is just to remove any ambiguity and make it absolutely clear that the intention of the legislation is that they will be sentenced according to the sentencing principles which prevailed at the time of the offence, not at the time of the resentencing.

The fourth provision is a perfectly sensible amendment, and that is the legal practitioners suspension. The Supreme Court basically keeps the roll of practitioners, so those of us who have become practitioners in this state would have enrolled on a roll kept by the Supreme Court. Basically, this provision is simply to make sure that the Supreme Court is required to notify interstate regulatory authorities if an individual legal practitioner is suspended.

As I understand the explanation given by the Attorney, at the moment there is actually a positive requirement in the case of an incorporated legal practice and a practitioner who is a director of an incorporated legal practice, but although in reality and for practical purposes they probably did notify interstate authorities, now that we have a nationalised profession, this is to remove any doubt and to make it a requirement that the Supreme Court notify any of the other registering authorities around the state if someone here is suspended. That, again, is absolutely a sensible provision and one that we will support.

Then there are the two provisions which have already been alluded to by the deputy leader, which we are opposing. I will deal with the simpler one of those first. That is the one most recently dealt with by the deputy: the temporary prohibited weapons class exemptions. Neither the explanation in the Attorney-General's speech nor the explanation of the clauses provides any basis for the change being sought. In other words, there is no wrong to be righted.

Generally, when we are dealing with these matters, these rats-and-mice provisions of multiple different acts being amended, someone can point to a problem that has arisen and say, 'There's the problem. In the first instance, the doctor's gone on holidays and so we have no immediately before death treating doctor. That person can't sign the certificate; we need to overcome that problem.' Nowhere in the explanation is there any concrete example of what is the wrong this

bill is trying to rectify when it comes to being able to give temporary exemptions for prohibited weapons.

Without any concrete example, it does not make any sense to give the Attorney-General for some reason the power to—and I will quote what provision says—'temporarily exempt a class of persons from the offence of possessing, using, manufacturing, selling, distributing, supplying or otherwise dealing with a prohibited weapon'. Again, I point out that in the explanation there is a certain inconsistency in the Attorney-General's argument under this provision with the regulation making power and the argument I already alluded to in the comments on the very first provision.

Finally, and most importantly, we come to the provision which is of most concern and that is, I think, a blatant attempt to get Dr Andrew Cannon, the Deputy Chief Magistrate, out of his position. The reasons given by the Attorney-General in his second reading speech are, in my view, spurious. What he says is, 'The aim...is to bring certainty to the Magistrates Court hierarchy in the prolonged absence of the Chief Magistrate.'

The fact is that there is simply no uncertainty as things stand. The act already provides for a deputy chief magistrate. The Supreme Court Act and the District Court Act had no such provision, so it was altogether proper and fitting that a provision should be made in those jurisdictions to identify who is to be appointed as the appropriate person in the absence of the Chief Justice or the Chief Judge, but in the case of the Magistrates Court there is already a clear provision. Whether that person has the title of 'deputy' or 'acting' is of no consequence; the effect is the same.

I went to the bother of looking up in my trusty concise Oxford dictionary the meaning of 'deputy' and here is what it said: 'deputy—person appointed to act for another or others'. It could not be clearer, really. I would not have thought it needed any further explanation. The act says there is a deputy chief magistrate. Guess who that is? It is the person to act for the Chief Magistrate. Under 'depute, verb transitive'— I wish the Speaker had been here, Madam Deputy Speaker.

The DEPUTY SPEAKER: Are you casting aspersions on my grammatical ability, member for Heysen?

Ms REDMOND: No, I just think he has a such a thorough appreciation of the verb transitive. Under 'depute', it defines the verb as 'commit task, authority to a substitute; appoint as one's substitute'. So, there can be no ambiguity. There is already a clear provision in the existing legislation which provides for there to be a deputy chief magistrate to act in the absence of the Chief Magistrate. Why then would the government seek to change this? Like the deputy leader and shadow attorney, I believe it is because the current Deputy Chief Magistrate successfully sued the former attorney-general and won.

As was already mentioned, this is not the first attempt to hobble this particular person. This government earlier tried to reduce the retirement age. This is remarkable really. It was mentioned by the deputy leader that they brought in a bill, a few months before Dr Cannon's 65th birthday, to seek to reduce the retirement age from 70 down to 65, for no other purpose, I would suggest, than for that. This is the same government that some years ago introduced legislation in the Legislative Council to seek to increase the retirement age for the Auditor-General.

The auditor-general's act actually says the retirement age is 65. Mr Ken MacPherson was then the auditor-general and he was coming up to his 65th birthday and they introduced legislation, a bill, not to generally increase retirement ages, not even to generally increase the retirement age for the auditor-general position, but to increase the retirement age just for that auditor-general. That bill failed and went away, eventually. It was never going to succeed. So, this is entirely inconsistent but entirely about a government that plays favourites. As the deputy leader has already mentioned, the consequence is that it fundamentally attacks the rule of law and the separation of powers.

I know of no-one in the legal profession who does not speak highly of Dr Cannon and the value of his considerable work to assist the profession. Apart from anything else, his understanding of the rules, many of which he has drafted, makes him an incredibly valuable asset, but this government is constantly playing personality politics and trying to remove him from the position to which he so valuably serves the Magistrates Court, the profession at large and, indeed, the people of this state.

I would like to take this opportunity to remind the Attorney-General that as the first law officer of this state he above all should remember that his duty is first and foremost as an officer of the court. He of all people should act in that regard without fear or favour. The proposed amendment of this nature absolutely flies in the face of the obligation that I believe he has as the first law officer.

I have no further matters to raise in respect of this other than to say that this government has too often tried to sneak things in. There may be a perfectly proper reason for the change to the weapons provision, but they are not able to give us an explanation. The reality is that when they try to sneak in these funny little things, like trying to get rid of a particular person by fair means or foul, then we become suspicious and in the absence of an actual reason I find that I am not in a position to support or to trust whatever they say. I will conclude my remarks on that note.

Mr TARZIA (Hartley) (12:58): I also rise today to speak to the Statutes Amendment (Attorney-General's Portfolio) Bill. Sometimes things are the opposite to what they seem. We have heard that the purpose of introducing the bill to this place by the Attorney on 23 September 2014 was to remedy minor errors, omissions and other deficiencies. I do forget some of what I learnt at law school, but one of the things I did learn at law school was about the rule of ejusdem generis. When you use that rule you limit the generality, being other deficiencies, to the specifics before it. So, here 'other deficiencies' should also be akin to 'minor errors or omissions'. However, as we have seen, things are not always what they seem. In fact, there are dramatic proposals in some of this proposed legislation which we need to—

The DEPUTY SPEAKER: You might like to seek leave to continue your remarks, member for Hartley.

Mr TARZIA: Deputy Speaker, I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Condolence

SUCH, HON. R.B.

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

That the House of Assembly expresses its deep regret and sadness at the untimely death of the Hon Dr Robert Bruce Such, member for Fisher, former minister and Speaker of this house, 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.

Mr Speaker, this is amongst the most melancholy of duties for any leader in this place. While we move many motions of condolence in this place for former members, it is rare that we express our condolences on the passing of a serving member of this house.

It seems so recent that Bob would be walking into this chamber. Often he would pass through here, and on the way through his hallmark greeting was, 'There he is', and then he would offer an observation on the contemporary issue or matter of the day, or during question time he would pass a note through the messenger to me. I was looking around to see whether I had any remnants; I wish I had some, because there were many of them, but unfortunately we have been a little bit too efficient and they have been cleaned out. The notes were always constructive, they were always supportive, they were always guided by what was in the best interests of the people of South Australia. It is sad to realise that will not happen anymore.

The Hon. Dr Robert Bruce Such, Bob to all who knew him, was a true blue South Australian. Born on 2 June 1944, he grew up in the Adelaide Hills suburb of Hawthorndene and attended Coromandel Valley Primary School and Goodwood Boys Technical High School. He went on to study at tertiary level at Flinders University, completing a Bachelor of Arts with honours, majoring in economics, and finally achieved the highest award in education, a PhD. Dr Such also completed diplomas in teaching and education.

Before entering parliament, Bob was a lecturer and researcher in politics, economics and environmental studies at what is now the University of South Australia. In the 1980s he began to practise what would become his future career in politics as a councillor for the City of Mitcham. It is

clear from this description of his early life how well he prepared himself for eventually entering parliament. He grew up in the area he ultimately represented. He educated himself to the highest level in all the major subject areas in which he was interested and which he would continue to champion for the rest of his life. He immersed himself in his electorate and was initiated into the world of local government politics before he put himself up for preselection for the South Australian parliament.

This preparation for political service is a clear indication of the kind of man Bob was. Whatever he undertook, he did so with a calm, orderly and diligent approach. He did not enter politics until he felt he was fully versed and prepared for the discipline and rigour that is demanded in order to succeed in making a difference. Bob entered politics for what he believed he could give—not just for his electorate, but for the people of South Australia. His preparation and experience for having the letters MP after his name served as a template for all those who hold political aspirations.

Bob Such displayed no hubris. He was not interested in creating headlines or grandstanding, or manufacturing a high profile. He never sought power for its own sake. He never sought recognition for what he achieved, and he never indulged in the self-aggrandisement of political celebrity. He was concerned with many issues and took action to promote their public debate. Bob was a men's health ambassador, a member of the board of the Freemasons Centre for Men's Health and the board of the Australian Melanoma Research Foundation.

Bob was a keen environmentalist and a member of the Treenet Management Committee. He was passionate about the restoration of our creeks as well as the protection of our national parks, native vegetation and native fauna. He was well known for his tenacity on so many issues. His persistence led to the introduction of tighter laws on hoon driving, graffiti vandalism and the spent convictions legislation, as well as increased penalties for animal cruelty—and who could forget his fight for justice in the question of speeding fines? Certainly not the police.

Locally, he fought hard for his constituents in Fisher, an area where he had longstanding ties, as well as helping thousands of people who contacted his Aberfoyle Park office on issues such as better health care, education, law and order, and road safety, to name just a few matters. He also lobbied for upgrades on local major roads and the expansion of the Reynella East College. I can speak on behalf of all of my colleagues who received voluminous correspondence from Bob's office, often just a few short lines which looked like they were dashed off late at night after a long session in the electorate office, but all of them advancing the interests of his beloved electorate of Fisher.

There was a genuine humility to this man which made him widely respected and admired in the parliament and the community. When he was elected to represent the seat of Fisher for the Liberal Party in 1989 it was no surprise that he was appointed as shadow minister for further education and employment and youth affairs in his first term. In 1993 when the Liberal Party formed government, Dr Such retained the seat, and the premier, Dean Brown, appointed him as minister for employment, training and further education and minister for youth affairs.

He showed himself to be extremely capable in both portfolios and was a regular and confident contributor to debates on the floor of this house. However, when Mr Olson replaced Mr Brown as leader and premier, Dr Such found himself demoted to the backbench. I can recall sitting down one day with Bob, and he told me about that time. When he spoke about these events you could tell they remained vivid in his memory. It was a brutal and lacerating memory for Bob and for many others who lived through those events.

He retained his seat for the Liberal Party until prior to the 2002 election when there was a competition for his preselection. He made the momentous decision to resign from the Liberal Party and run as an Independent. Making that decision took a great deal of courage, and a measured man like Bob did not take that decision lightly. His belief in himself and his strong link with his electorate paid off and, at the 2002 election, his electorate backed him all the way with a 62.1 per cent two-party preferred vote. Bob Such was a man voters knew well and they decided to put their faith in him. The headline in the local paper called him 'The Fisher King'. Bob's only response was the typically self-effacing one: he promised to continue to fight for, and listen to, his constituents and aim to get the best results for them.

He also sought to uphold the highest standards in this place. As Deputy Speaker and Chairman of Committees between 2002 and 2005, and then following his elevation to become Speaker of the house until 2006, Bob was extremely balanced and even-handed in the role of presiding member of this place upholding the integrity of the office. He was also a member of several parliamentary committees and through his time he chaired various select committees examining youth justice, cemeteries, education and antisocial and criminal behaviour. However, in 2005, he announced that he was battling prostate cancer. Strong in the belief that he would beat it, his electorate backed him all the way, and he retained his seat once again as an Independent in the 2006 election. He did the same again in 2010.

In the 2014 election, he was one of two Independents who held the balance of power. With his signature sense of balance, he did not rush into a decision, preferring to consult his electorate first. Unfortunately, after only a few days, he received the advice that he was suffering from a brain tumour and took leave from his parliamentary duties. Once again, he resolved to take on the battle against cancer and underwent treatment, including radiotherapy and chemotherapy.

On the opening day of the new session of parliament, he made a brief but emotional return in order to connect with his colleagues and friends and to take up the seat of his beloved district of Fisher. It was obvious to all present on that day that Bob had made an extraordinary effort to come here—an incredible act of courage, an incredible act of will and a dedication to Public Service the likes of which I have not witnessed before or since.

For the next few months, despite the difficulties of chemotherapy, Bob was focused on his recovery. But he would never want his electorate disadvantaged. At this point, I would like to offer my gratitude and thanks for the tireless commitment of his staff in the Fisher electorate office. Margaret, Linda, Sandra and Barbara—who I believe are here today. All of the work that you did to sustain the important work of Bob I know you did in his name. I know that many of you have served over an extended period for him, and we are so grateful for your service.

I think my ministerial colleagues know by their regular contact with Bob that we had in this place a representative of particular quality. His precious work, to which he dedicated his life, continued to be exercised even after his illness, taking precious time to work with Labor MP Steph Key and Liberal MP Duncan McFetridge on the drafting of a new voluntary euthanasia bill. He gave everything he could to get back to his job but, sadly, that was not to be. On 11 October this year, he passed away at Daw Park Hospice surrounded by members of his family.

I last saw Bob at the Flinders Private Hospital early on the evening of Monday 15 September, and he was bravely fighting his illness. Lyn was there by his side and, as always, Bob was optimistic about his future. He loved life and he wanted to fight to keep it. He spoke about his hopes, about his doctor's advice and the progress of his chemotherapy, but I could see from his physical appearance, and also from the look in Lyn's eyes, that the future was not as bright as Bob would hope.

Then we received the awful news. The outpouring of grief that followed Bob's death reflects, I think, his life and work. He is deeply mourned by his constituents, who consistently described him in these terms: genuine, decent, hardworking—high praise for any man but, in particular, a politician. His wife, Lyn, described him as a fantastic ideas man with a wicked sense of humour, and they shared many laughs together because he never took himself too seriously. He remained positive and defiant until the end of his life, and I am sure that is how all of us would like to remember him.

When sad things happen in our life, it is often the regular, recurring rituals of everyday life that can sometimes bring comfort—birds singing at dawn, a cup of tea in the afternoon. For us here in this chamber, before each question time, a ritual almost as regular as the rising of the sun was Bob Such's private member's motions. Sadly, we will no longer see Bob rise in his place and speak as the member for Fisher to give notice of a private member's motion.

To Lyn, Bob's brother, John, to sons, Adrian and Darren who are here today, and the rest of your families, I hope that the days ahead contain some small comforts to be found by you as you cope with your enormous loss. In particular, I hope that today's contributions demonstrate the high regard in which Bob was held by so many of his colleagues in this place and that they offer some solace to you.

Farewell, Bob Such. You were dearly loved by those with whom you worked, by those you helped and, most of all, by your family, who loved you right to the end and will always love you.

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15): I rise to second this motion proposed by the Premier, and I do so on behalf of the South Australian parliamentary Liberal Party and, indeed, the entire Liberal Party here in South Australia. I wish to recognise the outstanding contribution made by one of our state's most dedicated and passionate politicians, the late Dr Bob Such.

It is with great sadness that we reflect on his passing, and our thoughts and sympathies go out to Dr Such's sons, his brother, of course, his widow, Lyn, and the extended family and friends, who are just so many. The legacy that Dr Such leaves behind spans almost a quarter of a century. I think it is safe to say that Dr Such did not work to live, he lived to work. He did this with energy, enthusiasm and tenacity. He was a passionate advocate for public policy and he worked tirelessly to achieve positive outcomes across many spectrums of law reform here in South Australia.

Dr Such's political journey started with the Liberal Party back in 1989 when he defeated the incumbent Labor MP, Philip Tyler, in the southern seat of Fisher. The hard work of doorknocking more than 7,000 homes during his campaign paid off and gave Dr Such a real understanding of the breadth of issues facing residents in Fisher. In February 1990, he stood in this chamber and delivered his maiden speech. I quote:

My motivation in standing for parliament is to help people and to do something worthwhile for the community and for the state.

He described his constituents as the 'forgotten people' and criticised the Labor government for overlooking the southern suburbs. He saw the urgent need for better roads and access to public transport. I quote:

My philosophy is to give credit where credit is due and to give the stick where I believe the government has not delivered or has been unfair to the people in my district. I expect the government to give the south a fair go.

Having previously worked as a teacher and a lecturer, Dr Such entered politics with an intricate knowledge of South Australia's education system. During his first term in parliament, he was appointed the shadow minister for further education, employment and youth affairs—portfolios that he believed passionately in and worked tirelessly for.

In 1993, when the Liberal Party won the state election under his great friend Dean Brown, Dr Such held these portfolios in the cabinet. His appointment was welcomed by the state's three universities, all of whom were familiar with Dr Such. He had completed studies in each of the universities, including a Bachelor of Arts with honours, a PhD in environmental group politics and diplomas in teaching and education.

After the first 100 days of the new Liberal government, Dr Such highlighted the progress that he had already made in each of his portfolios. He had streamlined the delivery of vocational training throughout the state and brought about efficiencies to the department of employment, training and further education by cutting down the number of divisions, from seven to three. He oversaw the establishment of the Helpmann Academy, providing advanced training for creative artists at TAFE and South Australia's three universities. The government gave a commitment to a multimillion dollar expansion of TAFE institutes at Port Adelaide, Noarlunga and Mount Gambier.

Dr Such also prompted a report on the effectiveness and appropriateness of TAFE courses for women. Dr Such led the way in establishing an adult community education unit that embraced policy and funding issues for both government and non-government providers of adult community education. As minister for youth affairs, Dr Such ensured that the needs of young people were fully considered around the cabinet table and that high priority was given to youth issues.

Dr Such certainly did not stop work at the end of his first 100 days of being in government. He continued to drive innovative projects and reforms in his portfolios for the following three years. He decreased the inherited unemployment rate of 11.2 per cent to 9.4 per cent and lowered the inherited youth unemployment rate from 42.7 per cent down to 32.8 per cent. There was a 35 per cent increase in the number of overseas students at TAFE, and construction of the Centre for Performing Arts in Light Square was completed under his guidance.

In October 2000, Dr Such announced his resignation from the Liberal Party, but he continued to represent the electorate of Fisher as an Independent member of parliament. It was a sad time for many party members not just because they were losing a great colleague but also because they were no longer working side by side with a great friend. Dr Such's decision to break away as an Independent did not threaten his chances of re-election in Fisher; in fact, he won the seat in four subsequent elections. Over the years, he had built a remarkable level of trust, loyalty and respect with his constituents and was highly regarded in the community.

As the local member for Fisher, Dr Such achieved a lot in his nearly 25 years of public service. He worked tirelessly to improve transport infrastructure across the Fisher electorate. He campaigned for road safety improvements to the main arterial roads. Dr Such was always willing to help young people, and his office never turned anyone away. He wanted to make a positive difference in people's life in the community he lived in, and he certainly achieved this. The local Messenger's Letters to the Editor will not be the same without Dr Such's commentary. His regular contributions reflected his passion for issues facing the residents of Fisher as well as the wider South Australian community.

In 2005, Dr Such was appointed as the Speaker of the House of Assembly. It is not always an easy task maintaining order in this chamber, but Dr Such executed the job with integrity, fairness and excellent judgement. Dr Such was also a member of several parliamentary standing committees, namely, the Economic and Finance Committee, the Social Development Committee and the Environment, Resources and Development Committee. He also chaired select committees on youth, education and cemeteries.

Dr Such had a great ability to stimulate debate on social issues and on public policy. He pursued legislation for voluntary euthanasia for a good decade, initially with former Australian Democrat's member of parliament, Sandra Kanck, before continuing this fight alone. Dr Such had a strong view that people who were terminally ill and suffering unbearable pain should have the right to end their life with dignity. He was never nervous to discuss the big issues, and I thank him for that.

Dr Such also became synonymous with road traffic bills. He fought a very public battle over a speeding fine which had been issued to him which he claimed was incorrect. His lawyers were critical of regulations that did not require police to prove the accuracy of the device or to show that it met Australian standards. It became much more than just a simple dispute over a speeding fine; it was a matter of principle for Bob. With legal costs spiralling beyond \$30,000, it was undoubtedly the most expensive speeding fine he ever had, but the ordeal was symbolic of his bulldog determination to fight for what he truly believed in. Other significant bills include antihoon driving laws, spent convictions legislation, tighter laws on graffiti and vandalism, and increased penalties for perpetrators of animal cruelty.

On a personal note, I will always remember Bob for his kindness to me and to other new members of parliament entering this parliament. I see Rachel Sanderson nodding. I can remember on many occasions catching up with Bob in the members' bar, with a non-alcoholic beverage of course, and discussing a range of issues. He was extraordinarily generous with his time and shared his experience, not in a dogmatic way but in a caring way, sharing that experience he had gleaned over his almost quarter of a century in this place. We shared a common interest in the area of reform, an area he was passionate about. Whether it be parliamentary reform, committee reform or electorate reform, these were things which Bob held dear, and he spoke at length about these things, and I hope that some of these areas which were of real interest to him we can pursue in this parliament going forward.

The other area where we had a great deal of interest was in the da Vinci machine. As has been mentioned by the Premier, Dr Such had suffered from prostate cancer in a similar way that my father had. Both my father and Bob Such shared a very strong feeling that we needed to maintain a da Vinci machine in South Australia. I know that was a cause that was very dear to his heart.

Age never got in the way of Dr Such and it certainly did not get in the way of his work. While most people count down the days until their retirement, Bob Such was most likely counting down the days until his next bill would be introduced in this parliament, and he never had very long to wait. His role as a member of parliament shaped him in so many ways, and I know it gave him a great sense of fulfilment and joy, but it was the state of South Australia that was truly shaped by Bob Such.

As the Premier said, tributes have been pouring in from right across the state, but nowhere more so than the electorate he served so honourably for almost 25 years. Dr Such will be greatly missed by his dedicated, loyal and hardworking staff and by everyone in this parliament. Bob, thank you for your service. The whole state is forever in your debt. On behalf of not just the Liberals in this chamber at the moment but the broader Liberal Party, I extend our sincere condolences to Lyn, his sons and the entire Such family.

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) (14:26): As a newly elected member of this house in 2002, I found Bob to be an experienced MP who reached out with his wise counsel and encouragement. We spoke often and shared many views in common. I particularly recall him talking to me at great length during my first CPA trip, one which incidentally you, Mr Speaker, nominated me for at my first caucus meeting, and I thank you for that. This was an extraordinary CPA trip, because Bob was another delegate on that trip, and I was sent to a CPA conference in Adelaide, South Australia. I think Lyn recalls that trip. We spent a great deal of time talking on the bus and at various other places, including places selected by the former Baron of the Barossa, the then member for Schubert, who I believe might even be here. From a personal level, Bob was always happy to share his thoughts and, even on an exciting CPA trip to Adelaide, he had time for me.

He was also a powerful advocate on behalf of his constituents. Bob wrote to me over 300 times, generally on behalf of his constituents, representing his constituents no matter how big or small the issue might be. If he considered the matter required investigation or an explanation, he would pursue it doggedly. He was a great local member.

Bob also wrote to me on many occasions suggesting a diverse range of legislative changes. A number of those suggestions have resulted in reforms and directly as a result of Bob's passion, drive and sheer determination. A couple come to mind immediately because they have been matters with which I have been directly associated. Graffiti vandalism has been mentioned; it was a particular concern within his electorate and he fiercely advocated reform. Often on the radio one would hear Bob advocating that. I think FIVEaa was the Bob Such program for many years. Often I would be called in as second fiddle to support Bob on this and I am pleased to say, after a period of time, we were able to introduce a series of changes, many of which were championed by Bob in the area of graffiti vandalism. I think those have been quite effective measures and greatly appreciated by the broader community.

He also proposed amendments for people who might have had a conviction, perhaps a trivial one earlier in their lives, and Bob believed it was unfair that these convictions should carry along with this person for the rest of their life. I particularly remember he brought people to visit me, people who had come to him, people who were constituents, and he would sit down with me and they would tell their story about how this relatively trivial matter decades ago had made their lives more complicated. That is the sort of commitment he had to those things.

I am happy to say that the bill that was introduced here as a private member's bill, based on a model national bill, was supported by the government—and, indeed, South Australia was the first state to legislate the model, and that is entirely thanks to Bob's efforts. Regarding his work on committees, I am not going to go through it all, but there is the work he has done in relation to the complete revamping of the burial and cremation arrangements and the bill that we put through with his help recently and local government issues. There are just so many issues that Bob had an enduring interest in and fantastic commitment to.

I know there are many other members who want to speak, so I will be very brief now. On a personal level, can I say that I found Bob to be practical, passionate and a man of conviction, a man who was always cheerful and would have, as the Premier remarked, little ways of addressing individuals which were quite personal and endearing. I held Bob in the highest regard. To his wife, Lyn, family and friends, may I extend my condolences. He will be greatly missed.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:30): I rise to support the motion and thank both the Premier and the Leader of the Opposition for leading the contributions on behalf of both the government and the opposition. If I were to add one word of description to

Bob Such, it would be 'courtesy'. Certainly, in my time in the parliament I have not seen anyone extend the level of courtesy that Bob gave to all of us. It was irrespective of our political alliance, and it was always extended.

It is true—and many of the matters have been canvassed in previous contributions—that he was, however, passionate about the opportunities that were provided by education, and he ensured that everyone had access to that as best he could. He also valued work, paid and unpaid, and his policies and the projects which he endorsed followed those principles.

Of course, he was cheerful in disposition, even when he had written countless letters to all of us, of which I am sure we all have a cabinetful. Even if we did not respond affirmatively to his proposal, he was never rude about the rejection of that, or even the consideration of it. Many times he came to the parliament to his present private member's bills or motions, all of which had great good sentiment and intention. Some of them we did not all support, but he took that in the aspect of good public policy and debate.

I thank him for his dedication to public office and the development of public policy, and the pursuit of parliamentary endorsement of that where possible. I thank him in his capacity as a member and contributor to this house for decades, as a minister and as Speaker of the house. Of course, he remained a strong voice for those he represented, whether it was in his electorate or as a minister, and he presented with passion, undeterred and unrepentant, in the matters that were dearest to his heart.

One such matter just this week, I note, has now been adopted by the government, and I am pleased to see that. Bob had chaired, along with myself and the Hon. Rob Lawson, as representatives of the opposition, a committee into the code of conduct of members of parliament. It is about the 10-year anniversary since the recommendations were presented, and I am very pleased that the government has this week presented that for the endorsement of this parliament. I think that Bob would have been very pleased as well to see not only that but what I hope will be a resounding endorsement of that motion.

Speeding offences and traffic laws in particular became an issue which would have to be described as a zealotry passion in more recent years. Like the Attorney, we had a number of submissions presented to us on reform in this area, in particular the necessity for production of equipment and devices used for the detection of speeding. He, I am sure, would be very pleased if we continued to ensure that that passion does not die and that the sentiments, while a little in conflict with some of the judgements that he expressed though, are pursued in trying to have a just and equitable outcome. I, for one, would work with the Attorney-General to ensure that we do provide that.

Bob was a senior member of the Liberal Party for many years, a long time before coming into the parliament. He was successful in 1989. In 1993, as president of the party, I was elated at the fact that the Brown government was elected. One mention of courtesy—and I suppose I need to recognise the Hon. Dean Brown, former premier and member of this parliament—on that night: mobile phones were not well distributed or available (if they were they were about the size of a brick) and I can remember the Hon. Bob Such coming into the headquarters on that night, which was a rather victorious night for our side of politics, and asked to use the phone to telephone a relative.

I said, 'That's fine, Bob, no problem, you can use that. It will be 38¢,' or whatever at the time, but he was quickly followed by the premier. It just shows the era, I suppose. Dean Brown came in and he said, 'Look, I'd like to ring my brother in the United States,' because we were very much on the way up at that point, in the sense of numbers, and I said, 'Look, in a few hours you're going to be sworn in as the premier, you can ring the moon if you like,' but it did indicate the courtesy of that era.

Dean was, amongst many Liberals, including the former member for Schubert who is here today, a good friend of Bob and they served for a long time. Like a number of other members, Bob provided valuable advice to me, having taken up the shadow portfolio of education after first coming here in 2002. He was immediately on the phone to offer his advice and support and, of course, to present an array of policy reforms that he thought were important. I thank him for that. I have an enduring memory of working with Bob on select committees, including juvenile justice reform and the

code of conduct of members of parliament, which would be uppermost in my mind. His advice and guidance on the operation of committee work was a valuable lesson to me and I thank him for that.

There are many other areas of policy which will be discussed and for which Bob will be applauded and I hope that he will have an enduring legacy. One should be his initiative, as the Speaker of the house, to have a country parliament, which then followed into Mount Gambier and I and other members of the house, including the member for Heysen, were members of that parliament. We were new in the parliament at the time and it was a great event. I was not convinced. I was not a strong convert to start with, but Bob's passion for that came to fruition and he certainly convinced me of the value of that.

I conclude by saying that he will be missed by many in this parliament, whatever their political persuasion. I particularly wish to thank Lyn and members of his staff, Barbara and others, who just this week have distributed a letter to the people of Fisher, because the Fisher family was very important to Bob. I read those words. They were powerful and I think the people of Fisher will greatly appreciate that letter. It is very personal and it is also something that they will appreciate and which will maintain the respect they already have for Bob and will continue to work as part of his legacy. Vale, Bob.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:38): I would like to thank the family for taking the time to come to parliament today and listen to us talk about Bob and his life and his interaction with us. I think everyone in the parliament agrees that he deserved more. He deserved a longer life. He deserved longer as a minister. He deserved longer as an MP. He deserved longer to spend time with his family and friends. Life at the end was a little bit unfair on Bob, but I do not think he would have complained.

In my experience, Bob was one of the best local MPs I ever met. There are very good members of parliament in the chamber, on both sides of the parliament, who are very good at keeping in touch with their local communities, but Bob was very, very good indeed. He was good because he was earnest, he was sincere, and it was not an act; people knew that he cared. Bob really listened to local people, and when he wrote to you or rang you, or sent you a note across the chamber about a constituent's issue, he talked quite personally about the problem of his constituent or even the problem of someone who lived outside of Fisher but who had come to him about it. He took it quite personally, and I always found that very moving.

He came to me when I was made transport minister in the last parliament. He would often write to me and speak to me in the chamber or in the coffee lounge, or in and around the corridors, about certain issues, and when he offered a problem he always offered the solution with it, because he understood the difficulty of being in government. He understood the difficulty of being a minister, he understood how hard it was to please everyone. You could tell with Bob that he would be the first person to tell a constituent, 'What you are asking is too difficult and I can't achieve it.' He was completely honest with the people he represented, which is a very fine attribute indeed.

I have never met a member of parliament, Mr Speaker (and without trying to embarrass you), who understood families in his electorate more than Bob and the current Speaker. You really had a sense that he knew and understood what the suburbs were thinking, and he could often bring that and articulate it in a very quick and easy way to the minister—who was often very time poor—so that they could understand the issue. For that I thank him.

For the entire time, he was what I like to call a teaching MP; he was teaching all of us. He took on unpopular causes. He took on popular causes too, but he also took on unpopular causes, which is brave. I think that is missing from our political life a lot more now, both federally and on a state level, politicians who are prepared to take on unpopular issues. Bob had no such fear. In that sense he pushed us all to be better members of parliament.

I like to think that in his own way he did make the parliament better. There are not many members of parliament we can say that about, for a member of parliament to actually change the way we considered things. Bob would often get up and talk about his private member's motions. He would giggle about it before he did it, but he would speak to you afterwards about it, about the importance of it. I disagreed with him on some causes that he brought up in the parliament,

euthanasia being one of them, but we always had a civil discussion about it and we always had conversations about it. He always, always understood the opposing argument. He was never the type of person to come in and completely disregard an opposing view, and that takes intellect, it takes compassion and it takes understanding. It is often easier to brush away opposing views if you have a core belief. Bob never did that.

I think what I will miss most about Bob is his attention to detail in keeping us on track and making sure that we understood the issues that his local community, and indeed the broader community, were interested in. Whether it was on radio or on the floor of the house or in correspondence, he really did try to make a difference—and in many respects he has.

As I said, when I think of Bob the one word that comes to mind, when describing him to people who have asked me what he was like, is 'decent'. He was a decent man. We often throw words around when someone passes away, but I do not think that even in the heat of a political election campaign anyone in the Liberal Party or Labor Party would not have said that he was a decent man—and he was.

I wish the family all the very best, because our words are no comfort. They are the ones who have suffered the greatest loss, who do not have him anymore. We just worked with him. He was a husband, a father, a family man and he is gone.

What Bob deserved, in my opinion, for what it is worth, is to have been able to retire at the time of his own choosing, he deserved to enjoy his retirement, he deserved time to travel, to see his family grow. He deserved so much more, but he gave it up to serve the people of South Australia. He exemplifies to me the greatest qualities of public service: someone who has given up his time or her time from their family for others. He is an example that we should all follow. My deepest condolences to Lyn and all your family on the loss of Bob. I doubt very much that there will be another like him.

Mr GARDNER (Morialta) (14:45): I remember Bob Such as a courteous and, as others have said, a decent man, a dignified man, and a consistent advocate for the things in which he believed. He was a fine member of parliament, he was a fine minister, he was a fine speaker, he was a fine legislator, and he was a fine community leader. He was a dignified man in public and a warm and generous and dignified man in private.

People across South Australia knew Bob from being in the community with him, through listening to him on Leon Byner's show, through hearing him on talkback radio, or seeing him on TV, and those who knew him only through that public persona would not be surprised, I suspect, to find out that the Bob Such we knew in private, in the parliament, in his workplace, was the same man. He was consistent and true.

I read Bob's maiden speech in the last week or so, and one thing that struck me—and other members have identified this—is that time, that 'Bob time' before question time, when we would hear his private member's motions, private member's bills or about the causes which were particularly concerning to him at any moment and which he was championing. In reading his maiden speech, given on 13 February 1990, the thing that struck me was that it was like a greatest hits of 'Bob time'.

Consistently, throughout 24 years of service in this chamber, he continued to argue for the same issues and he continued to bring those same issues to the fore, to the attention of the house, to the attention of ministers. For the consideration of the house, every one of them has their own paragraph in his maiden speech:

...an inadequate arterial roads system [in Fisher]...an inadequate public transport system...demand for child-care services...ever rising cost of electricity, gas and water—

I am quoting each of these—

...concessions for superannuants and pensioners, for electricity, water and so on...employment rate...interest-rate relief...respect for the aged in our society...violence via the media...the lack of filtered water in many of the suburbs—

Hopefully, that was remedied over his time—

...the needs of the southern area is first grade sporting facilities...Housing Trust...the perception of the lack of police presence [in Fisher]...the southern suburbs do not have enough hospital beds...concern for the devaluing of teaching and the whole education process...electoral fairness.

When Bob was elected, there were 27,500 electors in Fisher, and it was Bob's core cause to ensure electoral reform, one that he maintained through to his passing. He spoke about:

...equal opportunities...traditional Aboriginal culture...economic development that is compatible with the environment...a decline in organised religion—

and a commitment to values that must therefore follow. He concluded his maiden speech by saying:

...I trust that through our behaviour the status of members of Parliament will be somewhat more elevated than it is now. If our status or stature in the community is diminished, we have only ourselves to blame, and I hope that my behaviour does not in any way contribute to a denigration of the important place of the member of Parliament in our society.

And so he concluded his maiden speech 24 years ago. I think it is a testament to his memory that there would not be a person here, there would not be a person in South Australia, whatever they thought of members of parliament, who would suggest that Bob was in any way responsible for any denigration in that way. For that, I commend his memory. He set an example for us all.

Some of the speakers so far, and I am sure others to come will do the same, have identified the time that Bob gave to new members of parliament and also to young people. It was as a young person and not as a member of parliament that I first encountered Bob. Bob was the first member of parliament whom I met in person, whose hand I shook and with whom I was able to discuss issues. In 1994, The Messenger Newspapers group decided to set up a newspaper for high schools. I was in year 11 at the time and volunteered, along with another 12 or young people around South Australia, to contribute to this youth newspaper.

Bob was the minister for youth, and he thought it was a great initiative of the Messenger newspapers, so he asked the editor—who, at the time, was a young journalist by the name of Penny Chalke—and the young people who were involved to come into Parliament House to share a sandwich and have a talk about what it was we were concerned about; what was driving our interests in getting involved in writing for other young people.

I remember coming in, and he had this dignity about him and a real compassion and concern. We thought we were coming in for a cup of coffee and a biscuit for half an hour, but he made an hour and a half for us because he was interested in the discussion; he was interested in what we had to say; and he was inspiring. He encouraged us all because he cared about what we were going to produce. He expressed to us his concerns about the way that, in his view, investigative journalism was not what it used to be. He was concerned that too much in the newspapers was colour, or columns, or analysis posing as journalism, that what had been lost was that true sense of investigative journalism—getting to the meat of the story and digging away at something for months.

To Lyn and the family, I am sure that Bob's memory could be honoured by the fine press gallery we have here in South Australia, as that trend obviously was reversed many years ago because they do such a fine job now. Frankly, I think that some of the journalism we have seen on display this week would have really chuffed Bob. I think that investigative journalism is important; it was important to him then, and it was something that he wanted to inspire in all of us. In me, he inspired something else.

The next time I encountered Bob was in 2003 or 2004—I think it was 2004 when he was the Deputy Speaker, and I was President of the Young Liberals. The Liberal parliamentary team was on a retreat, on a parliamentary seminar at the time discussing policy, and a representative of Bob as an Independent, a member of the government, and a member of the opposition had been sought to come to talk to students in the parliament about parliamentary matters and parliamentary reform. Because the Liberal parliamentarians were on retreat, I was the next best thing, apparently. So, they offered me, and I went along and spoke to the students, as well as Bob.

For 20 minutes, and without a note, Bob was able to talk about the issues confronting members of parliament, Independent members of parliament—basically, members of the non-executive wing. He talked about the position and status of the committee system in the parliament and the opportunity for private members' time and private members' bills and motions—which he had

a personal interest in, of course, because most of them were his—to be debated and passed. He talked about civility in the parliament back then. It must have been 2004 because I believe the code of conduct in committee investigation had concluded because he spoke about that too.

These passions he had were consistent and continued. When I was elected to the parliament, one of the first constituents who came into my office was concerned about a conviction for an offence that we would no longer consider an offence from the 1960s, and he was asking where Bob Such's spent convictions legislation was and what that meant for him: it had passed in 2009. That is what caused me to sit down with Bob and find out how that process worked—the process of proclamation—and he assisted me to help my constituent.

As others have said, he was always willing to have a coffee in the bar or come and sit in your office and chat about an issue. He was a mentor—a generous mentor—and he added a lot to the parliament. He added a lot to us as MPs, and I think it is a testament to his memory that in the chamber, in the gallery, we have former members of parliament from across the political divide and across the state who have made the time to come and share in this condolence motion today: Mr Venning, Ms Geraghty, Ms Thompson and Ms Breuer.

I know that when those former members of parliament gather they will sorely miss the opportunity to have spent some time with Bob after service in this place. To his family, his staff, his friends, I offer my condolences. We have all lost a friend.

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:53): Bob Such was a great communicator and as someone who shared a neighbouring seat—because the electorate of Mawson abuts the electorate of Fisher—I come in contact with a lot of people who over 25 years had a lot to do with Bob Such. He went in to bat for them time after time after time, often against what the government of the day wanted. He was always there to stick up for his electorate, but he had a much broader approach than that.

He was probably one of the first MPs to get a regular spot on radio, and he would take on all sorts of concerns that people would ring up about, and Leon Byner would say, even if Bob was not in the studio, 'Bob Such will fix that for you,' and so often he did. He reached out beyond his own electorate to help people wherever they were in the state and whatever their issue was.

Everyone in this place would be familiar with the *SUCH AND SUCH* newsletter that not only was distributed widely throughout the electorate of Fisher but was put in all of our pigeonholes as well so we knew what Bob was up to. Yesterday, the people of Fisher received a very special edition of the *SUCH AND SUCH* put together by Lyn and the Fisher electorate office staff—Barbara, Linda, Margaret and Sandra—as a way of saying thank you to the people of Fisher and to invite them to a service that will celebrate Bob's life at a date to be announced which will give people an opportunity to share their memories of Bob.

Details regarding the memorial service will be available from the Fisher electorate office. The message says, 'We have been overwhelmed by the number of emails, cards, flowers and messages of support and we wish to say a sincere thank you for your kindness.'

Everyone in this place knows that we cannot run efficiently without really good staff behind us, and Bob knew that probably as well as anyone. He was backed up by a fantastic electorate office staff. Barbara had been with him for the whole 25 years that he was in parliament. I asked Barbara and Sandra if they could give me some words of their memories of Bob to read into *Hansard* today. Barbara Rogers says:

I worked for Bob for 25 years. He was a great boss and a great local Member. Nothing was ever too much trouble and he listened to everyone who approached him. He did everything he could to assist his constituents. He was certainly a people's politician.

Bob was never short of ideas. I'll never forget the morning when the phone rang hot with journalists and the public asking for clarification of an idea Bob had raised in Parliament the night before. He had suggested that Australia should produce its own royal family. The idea didn't take off, but Bob got a great deal of publicity. It was a serious suggestion on his part but it wasn't taken seriously and the media had a field day.

Bob was elected the Member for Fisher at seven consecutive elections... However, one week after the March 2014 election our world fell apart. The current staff members: Linda; Margaret; Sandra; and myself, have worked together as a team and supported each other, and the electorate, during the difficult months that followed.

Bob is greatly missed and will never be forgotten.

Sandra Szondi has written:

Bob was such a kind boss, considerate and caring, wanting his staff to learn and develop and giving young people a chance by believing in them. He was an honest, sincere and passionate politician—truly a 'one of a kind'. His constituents loved him!

The overwhelming kind wishes and condolences we have received in the past few months have brought tears to our eyes. It was beautiful to see how much the locals cared about him.

Bob also had many 'Bobisms' and there is one typical everyday thing I miss about Bob. When he left the office to go to parliament he would say, with a broad smile, 'All right Groovers, see ya later!' while walking out the door.

We will all miss Bob and I think it was tremendous that, despite all the treatment that he was going through, on the opening day of parliament he turned up here and took his seat over there and we all got to go and say hello to him. He was upset that he was upset. He said the treatment that he was undergoing made him very emotional but I am sure it was not all the treatment. I am sure that he knew in his heart that he had a massive fight on his hands, and he did it so courageously. It was tremendous to see him turn up here.

There have been a lot of words to describe Bob so far in this condolence motion, and I am sure there will be many more. He has been described as courteous, civil, dignified, compassionate and a decent man. As someone who shares an electorate boundary with Bob, I ran into him a lot during the election campaign because he picked up Woodcroft, with 4,000 voters, that had been in the seat of Mawson for the preceding 12 years. As I say, Bob was very hurt by a campaign run against him by certain individuals.

I think all those words that describe Bob—courteous, civil, dignified, compassionate and decent—were the very things not used by others. They showed none of those. It hurt him to the core and it distracted him from his campaign. He was terribly upset by it. I think the lesson that we should all remember from that man who came in here for 25 years and worked so hard, who had the courage to come back in here from his sick bed, is that when you go out and attack someone, at the end of that attack is a human being, and we should all respect each other.

Mr PEDERICK (Hammond) (14:59): I rise today to support the condolence motion in honour of Bob Such. Too many times in this place we rise for condolence motions, but you do not expect to speak about someone you have served with, and such a nice bloke, as Bob Such was. When I first entered this place he was one of the first people to welcome me here. Over the years I heard many stories of when he visited my electorate—because he had family (a sister) up there—and how many times he had been out there shooting a few rabbits, having a look around and seeing what was going on.

Having said that, Bob had a bigger view of the world, obviously, than just the seat of Fisher, which he served so admirably for those 24 or 25 years. He had a view right across the state, across the country and across the world. He would always want to know how the farmers were going and spoke of what he had seen out there when he was out and about. I remember one thing he did when he travelled about. He had been up to the Broken Hill Agfair one day and he always grabbed a lot of brochures when he was about so that he could remind himself of what he had seen. It was obviously a great record of where he had been.

I sat on a couple of select committees with Bob. One was the antisocial and criminal behaviour select committee, which Bob chaired. It only went for a short time before the rising of the last parliament. There was also the inquiry into dogs and cats as companion animals. I do not know which was more controversial, quite frankly, but the amount of correspondence we get on dogs and cats—I think I probably speak for everyone in this house—is quite large. I am not trying to make the issue of antisocial and criminal behaviour a small one, but it goes to show the breadth of issues that can be brought to this house, and obviously the interest that Bob had to be involved in issues, no matter where he thought they were in the spectrum.

Bob was always passionate about issues. I note the Treasurer spoke about Bob and his campaign about euthanasia. It is something I do not agree with, but I had a lot of respect for the way Bob used his passion and brought people in to talk to anyone who was interested on either side of the argument. Even though he had his view, he always made sure that everyone could get their view—and a balanced one at that—on the situation with any issue.

There was 'Bob time' (the notices of motion). We all miss that loud voice coming from over on our crossbenches, popping up for his notices of motion, and sometimes several notices of motion. He would fill up the pages with lots of legislation to discuss. I remember opening day of parliament. I had a thought that day that I may never see Bob again—sadly, I was right. Coming into the chamber that day, Bob was in his seat back here on the crossbenches and I leaned down and was talking to him. One of the attendants (I think it was Kane) had to come and grab me and say, 'Look, the Speaker is about to come in, you're holding up the show.' I said, 'I'm having a lovely time,' and I was. I was having a great discussion with Bob. I am glad I made that time and I do not apologise for a minute if I held up proceedings for a few seconds or even a minute or two.

This is a very sad time. For anyone to serve their community for that long and to serve right up to the end of their life is a fantastic thing. I offer my condolences to Lyn, the staff and the family.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (15:03): It is not very often that we get to say goodbye to a serving colleague. We often rise to say goodbye to colleagues who have died after a period of enjoying their retirement, but this is unique. In my 17 years here, it is the first occasion on which it has occurred. It is a reminder to us all that we are not here for a long time, we are here to make use of the time we have, and it is a sobering lesson to us all. We just do not know what the future holds.

I will be missing Bob extraordinarily. I will miss him and I know the people of my electorate in Waite will miss him. He was a councillor at Mitcham. He is well known to us in the Mitcham community. He made a wonderful contribution to the people I represent and I want to thank him and his family, on their behalf, for his service.

I remember my first meaningful engagement with Bob was at the very first party meeting of the parliamentary Liberal Party after the awful election outcome of 1996. I was a new member, and I remember walking into the room and thinking that I was back in a war zone. Of the contributions that day, the most meaningful had come from Bob, both during the meeting and after the meeting.

His wise counsel and advice to me over the many years I served with him, I really valued. He was particularly helpful to me with advice in regard to Mitcham and Waite, about which he knew a lot, but he was also very sage counsel on issues of conscience and other matters of principle in parliament, and I certainly will miss having him here. In particular, although I had no idea of it at the time, I will miss him as a fellow Independent, having followed now a similar journey to the one Bob took. For that reason, in particular, I am going to miss him, because it would have been wonderful to serve with him, with the member for Frome, the three of us, and to share our ideas, our hopes for the future and our reflections on the past.

Bob always occurred to me to be a man who was there to see what he could do to help rather than to help himself. He certainly knew that his first loyalty was to the people he had been elected to represent rather than to any other organisation. On every decision I worked with him on, his causes were local, his principles were pure, his conscience was very clear and his determination absolutely resolute. I think that South Australia is a much better place for Bob Such. I share my condolences with Lyn, the family and the staff, who he would have loved, because you do after that period of time, and to say to the people of Fisher that they have been very lucky to have such a decent fellow representing them for so long.

Mr PISONI (Unley) (15:07): Coming into parliament in 2006, it was very lonely on this side of the chamber. There were 15 members of the Liberal Party and a very friendly member for Fisher, Bob Such. I had a little bit to do with Bob Such as a lay member of the Liberal Party. We shared many of our social views as moderate liberals, if you like, when it came to what is important to our values. I got to know Bob more after taking on the education portfolio and even more so again after taking on the TAFE portfolio because he was very keen to meet with me and discuss his views.

I knew Bob was passionate about TAFE because, when he was the minister responsible for TAFE, it was the first time that I had been invited as an employer in the furniture industry to meet with TAFE staff and to meet with the minister responsible, even though I had been employing staff for nearly 10 years. There was a round of round tables, if you like, that were established by Bob, as the minister. I can remember that, when the event was launched, the small conference room at Marleston TAFE was full, and Bob walked in to a round of applause as he came in to announce that there were going to be some reforms in TAFE that would get better outcomes. He was dedicated to TAFE.

I asked the library to find some *Hansard* where Bob referred to TAFE, and it goes back many years, and there are tens and tens of pages of *Hansard* where Bob, particularly as an Independent member of parliament, continued his interest in TAFE. Back in March 2008, he said:

I do not think that, even today, many people in South Australia appreciate the great TAFE system we have...

As an Independent member of parliament, he was always keen to talk about TAFE. I know that whenever I was debating an issue on the radio, Bob would be there talking about his experience and his passion for TAFE. In the same section of *Hansard*, Bob went on:

One problem we still have in relation to training and higher education is an obsession that people have in our community about everyone having to go to university. That is not in any way to put down universities.

What Bob was saying there, of course, is that it is all about options, and he believed the TAFE system was a great way of giving students options. Being a former technical high school student himself going through the TAFE system, he went on to university and then got a PhD. Bob was a very committed person to access for education. He went on to say:

That is crazy, because not only do we need those skilled people, but in the not too distant future, if not right now, people such as plumbers and those other skilled tradespeople will be earning a lot more than many of the people who went to university anyway.

That is what he was telling the parliament in 2008, and I think if we look at the situation now—has anyone called a plumber lately?—we can see how much it costs to get a drain fixed when those who have law degrees struggle to find a salary of \$45,000 a year when they leave university.

I think it is fair to say that Bob was a very practical man. If we are looking at words to describe Bob, he was a very practical man, he believed in personal responsibility and he believed in a fair go. After a quick refresher of the private members' motions and the private members' bills that he continually brought into this place, I think it is fair to say that they reflected those values. He did not think it was right that people got something for nothing, but he thought that people should have an opportunity. His attitude as the minister responsible for TAFE and further education reflected those values.

He certainly will be sorely missed from my point of view. I enjoyed being on the Social Development Committee with him last year. It just so happened that the committee finished before lunch and we would often sit and share lunch together in the Blue Room and discuss the issues of the day, and discuss education issues. One thing that was consistent with that lunch was that Bob always had the roast. Bob, we will miss you. Lyn and family, we offer you our condolences. I know how Bob was cherished by his staff and his electorate, and I know that we will all miss him.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (15:13): I too rise to pay my respects and support to the dedication of the late Hon. Bob Such. I thank the Premier and the Leader of the Opposition for their great words and also other members in this chamber. I would like to speak on his dedication and the great friendship that I had with Bob over a short period of time.

When I came into this place here, it was a lonely place. It is a very lonely place. You may come in from a political party and have some support, but as an Independent you come into this place and you are absolutely left on your own. You are in here, you do not know where to go, you do not know what to do, and the first person who came to me when sitting on the crossbench on the other side was Bob Such. My partner, Lyn, was in the gallery watching my very first day here. I did not know what was to transpire. As everybody knows, I was elected in 2009, then sworn in and then two days later I was sitting in this house. It is lonely. The first person who came to me was Bob Such.

He said, 'Do you know what you do in this house?' I said, 'No, I don't.' He took me under his wing and guided me over the next 18 months or two years. I had great respect for his dedication.

One day, we were sitting in the chamber; I was sitting over on the other side, and Kris Hanna and Bob Such were in the corner. He whispered to me, 'Would you like a cup of tea?' I said, 'Yes, I'd love a cup of tea.' I was sitting here as if I was the mayor of the city of Port Pirie, and when you are in the process of a council you do not leave the chamber. I was sitting here and 20 minutes later, Bob said, 'Do you want that cup of tea or not?' I said, 'Yes, I do, but the point is we're all—', and he said, 'No, no.' He then explained the process, and we went out and had a cup of tea in the lounge.

Little things like that made me realise the person Bob Such was. I have heard other members, from both sides, say that when they came in here—the member for Adelaide and the Leader of the Opposition referred to this—Bob took them aside, explained to them, showed them the direction and welcomed them into the house. I think that was absolutely fantastic.

Certainly, he guided me on lots of things. Again, as you come into this house, unless you have come through the process you do not know the system correctly and you do not know how the process works. Bob Such explained it to me without me having to embarrass myself (which we all do at times) by asking too many questions. He did it nice and quietly so that I understood a bit more of the process I had to understand as an Independent coming into this chamber.

Whenever I wanted any advice, Bob was always there. He would whisper—well, he was not always whispering—he would give you some advice across the seats on the crossbench and give you a little bit of guidance so that you understood the whole thing far better. One of the great points I noticed about Bob over the many years was that not once did I hear a negative comment from the Hon. Bob Such. I never once saw a negative media release. His attitude was that a negative comment or release does nothing for the state, nothing for the parliament, and nothing for the electorate of Fisher. If you have a shot at another member, it does not do you any good either. It is about working together. He was a passionate man, a considerate man, and I will miss him tremendously.

I met Lyn about three years ago, when Bob came to Port Pirie with Lyn. He just popped into my office unannounced, and I thought, 'What's he doing here?' But, as other members know and have indicated, he was out not only in the electorate of Fisher but also across all the regions. It would be nothing for him to go down to Mount Gambier, nothing to come to Port Augusta, Port Broughton or wherever it was. He would go out there and everybody knew who Bob Such was. He would be sitting in a café or somewhere like that, and somebody would come up and say, 'You're Bob Such.' He was so well respected across the whole state that everybody knew who the man was—for his dedication, his compassion and his exposure.

I never thought that I would be sitting in this place. Other members on the other side had the privilege and the pleasure of working with Bob when he was a Liberal member and a minister; you had that opportunity. Members on this side had a far better opportunity to work with Bob for many years. I have been here for 4½ or five years—five minutes, but in that five minutes I learnt a lot about a sincere man, not only for his electorate but also for his dedication to the state.

He brought forward notices of motion. He would be the first to stand up, and the Speaker would always call on the member for Fisher first but, if he tried to get two across, the Speaker would pick him up and say, 'There are others to share the opportunity,' otherwise you would be down one, two, three, four, five. The member for Stuart knows how it works because he was kicked out a few times by Bob.

Bob was a member of parliament I consider, in my short stay here so far, as a unique member of parliament, a very unique member of parliament, a state member. He represented everybody in the state. He did not care where you came from, what political aspirations you had, what race, creed or religion you were; he took everybody's concern at the front. He did take a lot of those issues personally. I know from my experience with Bob on a couple of occasions that he would be talking about an issue and he would actually take a real personal interest in it, as if it was part of his own family. The electorate office of Fisher needs to be congratulated on their dedication.

Bob was a great advocate of men's health. I know he had prostate cancer. I do not think he had the da Vinci machine.

An honourable member interjecting:

The Hon. G.G. BROCK: He did have the da Vinci machine. When I had prostate cancer and I was telling Bob that I had to have the treatment, etc., he said, 'You're okay. You've got nothing to worry about.' That did not put me at rest at all, or my partner. However, when I came out—I had the prostate out and I have had a clean bill of health ever since—I showed Bob the little cuts and he was astounded at the small amounts from the da Vinci machine. So, I congratulate the Hon. Bob Such for his dedication to that. He would go out to various organisations across the state and talk about prostate cancer. He would talk about it openly, 'Don't be ashamed of it.' So, he brought it to the fore.

I would also pay tribute to the loyal staff of the electorate of Fisher. Bob spoke very highly of his staff, they were like family, and Barbara was there for that whole period of time. I understand, from discussion, that after question time if you said, 'Where's Bob gone?' he had gone back to get some work done. So, he would be back in the electorate doing the work which he felt very passionate about.

It is a shame, as members have indicated today, that Bob could not pick his time when he could retire, when he could have enjoyed his remaining days. I have been through the same issue with my late wife; we had this great vision of retiring. You never know what is around the corner. We have to take each day as it is. To Lyn, on behalf of my Lyn and the electorate of Frome, we pay our greatest respect to you, to John and to the rest of the family.

It is unique that we have a person who dedicated his life to the state. He could quite easily have not contested the 2014 state election. He elected to do that and that was his commitment. His dedication has always been to the state and his greatest love was to serve the people. So, on behalf of myself, Lyn and my family, my condolences to Lyn, family, friends and the electorate of Fisher. I wish you the best going forward. We will never ever forget Bob Such.

Mr WINGARD (Mitchell) (15:22): I rise today to speak on the motion and the work of the late Dr Bob Such. While I did not have the pleasure, like many people in this house, to get to know Dr Such personally, I would like to make a few brief comments. I do feel some kinship with Dr Such given that the electorates of Fisher and Mitchell are neighbours. His name was raised with me often as I stood outside shops while I was campaigning ahead of the last election. Many of his constituents would use the supermarkets in my electorate and they would often tell me that they liked what I was doing and wished me well but they were from Fisher and they were 'Bob people'.

I learnt very quickly that the secret of Bob's success was his care for the local community. People spoke very highly of Bob and the hard work he did in the electorate of Fisher. I truly hope that when I leave this place the people of Mitchell will say the same kind words about me. Sharing communities, Bob and I had a lot of issues in common. I know he was passionate about roads and safety. Scouring *Hansard*, I know if you mention speed cameras you have to mention Bob's name. Bob was a great supporter of the local CFS volunteers, he loathed graffiti and he backed small business. In fact, he saw small business as the engine room of our economy and he fought to reduce taxes and charges that 'acted as a dead weight around the neck of those who put their financial life on the line when servicing our community'. He was also passionate about animal welfare and the recent puppy farms legislation would have put a smile on his face.

As all members know, a good member is only as successful as his or her staff. When I was first elected I was lucky enough to have the services of one of Bob's electorate staff, Linda Germain, for three months. Linda was of great value to my office and to me personally. She had wonderful energy and excellent insight into the local communities. At any meeting we had, Linda would always give reference to what Bob would do and how Bob would deal with issues. It was invaluable to me as a new member and I thank her and I thank Bob.

I was interested to learn of Bob's frustrations with freedom of information requests, of FOIs as they are known. Bob once suggested it was, 'Freedom from information not freedom of information.' I have been a member of this house for a relatively short period of time, but it has not taken me long to also experience Bob's FOI frustration.

Finally, I must also say that I enjoyed reading Bob's newsletters, which, as we know, were titled *SUCH AND SUCH*. The colourful sheets were dropped into letterboxes seasonally, and were effective and informative, and, like Bob, to the point. While I have tried to move into the cyber age a bit more myself, I noticed that Bob also had a Facebook page. I would guess that Bob never knew, nor probably cared, how many Facebook friends he had, but I know that Bob had more friends in his electorate than he could count. To Bob's wife, Lyn, his family and his friends, my sincere condolences.

The Hon. S.E. CLOSE (Port Adelaide—Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for the Public Sector) (15:25): The loss of Bob Such is an institutional loss for us and, of course, he is a great loss to his community, but above all the loss of Bob Such is a personal loss. My parents lived just down the road and on the other side from Lyn and Bob for a number of years, and I take this opportunity again to pass on their very sincere condolences.

I feel that I followed Bob around a little in my life. We both shared a love of Flinders University and gratitude to Flinders for the education it gave us, not only the institution of Flinders but more specifically doing a PhD with Dean Jaensch. I have the honour of being the second person supervised by Dean Jaensch to enter South Australian politics; Bob preceded me by some years. When I would go in to debate with Dean about my thesis (I get on very well with Dean but we agree on very little in politics), the volumes of Bob's thesis would loom at me from Dean's shelf. I do not know if this is apocryphal but we understood, we students then, that there was a limit to the number of words you could use in a PhD at Flinders that was inspired by the length of Bob's PhD. If that is true, I am truly grateful to him for having done that.

Similarly, we shared a passion for the environment. I worked in the environment department for a number of years and not only followed his care but also was occasionally the person who had to respond to the ministerial letters that came. There was his passion for recycling, for the CDL scheme, for the protection of our natural environment—but not protection to the preclusion of its use. We shared the view that you can use and enjoy and protect environment the simultaneously. Of course, as we have discussed, there was his passion for animal welfare and the organisations that promote animal welfare.

Of course, I then followed him still further in coming to parliament. The member for Ramsay and I had the unusual—although not unique—experience of coming in in a by-election. We had each other, which was a start, and we were very much welcomed by many people on both sides of this house just over two years ago, but by no one more than by Bob Such. As members have referred to previously, he was extremely welcoming and very helpful in educating us on how to manage this strange institution in which we find ourselves.

I am extremely grateful that I was able to be part of, and indeed chair, the committee on, essentially, the eradication of puppy farms (it had a fancier title). That committee was initiated because Bob Such had a motion on the Thursday morning, and he and the member for Mawson and I had a conversation and felt that we could turn this into a committee that could do some good work. Bob was extremely productive on that.

When I think about Bob I think about the qualities he demonstrated every day that I interacted with him. He showed extraordinary perseverance, he was an extremely principled person, and he was, above all, a decent person. I hope, personally, to continue to follow him, and that many of us will see him as an exemplar, as one of the finest we have produced in South Australia.

Mr PENGILLY (Finniss) (15:29): I rise to support the motion put up by the Premier. It is a unique occasion, as many others have said, when we have the opportunity to have a few words to say about a member of this house. For mine, I think he is still here. I can still see Bob sitting just over there, right in front of Lyn actually, and on a Thursday morning I can see Bob's coat hanging over the rail and I can hear him speak. As I put to Lyn recently, from time to time he could be a bit long winded; however, Bob was a good man. To Lyn and the family, and the extended family, I extend my wife's and my condolences, and to Bob's staff, who have been loyal to the utmost, I extend my condolences as well.

Many members have talked today about Bob coming in prior to question time and going through his list of notices of motions and bills. Then, on the odd occasion when Bob did not have one, which was not all that regularly, he would say that he would be taking an RDO. Well, I think he is taking a few RDOs currently, because he will be here in spirit for a long, long time. He was the consummate local member for Fisher. Many could learn from him, and many probably have learnt from him. He endeared himself to his members, and he was loyal to his electorate and staff, and he was very well known in his electorate.

Others have mentioned his relationship with the Hon. Dean Brown; he was very close to Dean. I first met Bob through a relationship with Dean Brown. I have known Bob for 25-odd years. He was always the same: he was always Bob. He was always warm and friendly. The member for West Torrens made some analogies which I agree with. I think some of the most interesting times I spent with Bob were also with the Hon. Graham Gunn. If you were ever stuck for someone to have lunch with, you went into the dining room. Gunnie and Bob were there, and if you sat at their table you did not get a word in for an hour, but you learnt a lot. They both had a unique knowledge of the way the Westminster system works and the way this parliament works. They never had a bad word to say about anybody, and I think that was quite remarkable.

As other members have said, opening day was highly emotional when Bob came in, walked up and sat down, and we all spoke to him. He was clearly really struggling, but Bob's character came through and he got through the day, and he went off. Knowing Bob, he probably went back to the office, but I am not sure whether Lyn just took him home. It was great that he was here and sworn in as the member for Fisher; that is what he was. There was absolutely no hesitation from this house when the Premier moved, on a number of occasions, that the Hon. R.B. Such have another extension of leave. There was no issue with that whatsoever from anybody in this place.

Others have also spoken about his battle with prostate cancer and the fact that he won; quite clearly, he won. However, he was also at pains to point out to members of the male sex that they should get their act into gear if they had not been checked and go and do it. I suspect that we all may need reminding from time to time to do that, those of us who are male.

You never knew where Bob was going to pop up. The Port Elliot Show is a big show. There are around 6,000 people on the Saturday of the show. You walked around, and the next minute up popped Bob and Lyn at the Port Elliot Show, or he would tell you that he had been up to Alawoona or somewhere else. He got around everywhere, and he took a great interest in South Australia and wanted to see it go forward.

There are a couple of other things that we will miss. I think the member for Mawson talked about *SUCH AND SUCH*. Regularly, during the year, we got *SUCH AND SUCH* put in our pigeonhole and I always read it. I have to tell you that I do not read every member's contribution that gets put in my pigeonhole, but I always read Bob's. Bob's never had photos all over it. Even after Bob took sick leave, you still saw Bob Such letters in *The Advertiser* in Letters to the Editor. I am half expecting that one day shortly another one will pop up; in fact, I am just about sure it will.

In closing, Bob was a unique South Australian. He served this parliament exceptionally well in a number of roles. He never changed his attitude. As other members have mentioned, he was very friendly and welcoming. I did not agree with him on everything—euthanasia being one matter—however, you could have the discussion and at the end of the day Bob Such did it his way, and I will miss him. Vale, Bob.

The Hon. P. CAICA (Colton) (15:34): I do not think I will be able to add too much, but I feel compelled to stand up and offer my most sincere condolences to Lyn and the boys, the extended family, and the office staff.

Like everyone else, Bob was one of the first to come and say hello when I came in 2002, and I remember my first term sitting over here right next to Bob while he was the Deputy Speaker and until he became the Speaker in 2005. He was very good company, and I was pleased for him when he became the Speaker but displeased that he was leaving his seat because the person I then had to sit next to—without naming that person—was not anywhere near as good company as Bob.

What I found with Bob—and a lot has been said—was that he understood politics, he understood making connections, and he was very good, if not the best of anyone in here, in respect of representation of one's electorate, and I learnt a lot from him. In relation to my electorate, I like to think that I implemented much of what Bob taught me over that period of time.

We sat on the cemeteries committee together, which was an excellent committee, and I learnt more about dying and burials than I ever thought I would learn. Bob took it with a passion. I also hope that one day we actually adopt one of those recommendations that Bob was passionate about; that is, the public space burials in natural burial grounds which was something that he was very passionate about.

I think it was either the member for Cheltenham or the member for Enfield who talked about the little names he gave people. Bob called me a lot of names during the time when I had portfolio responsibilities, whether they were related to the portfolio of further education, training and employment—which he had a great passion for, because he had had responsibility as well for those over the years—or the environment. They were nice little names: 'The so and so'—and I am not going to repeat them—but I used to have one for him as well. It was 'Robert the Such' and he liked that as well, and I will certainly miss him terribly.

Everyone has said the same thing, but I am going to say it again. Bob was a decent bloke, a decent human being. He was extremely smart, pragmatic when he had to be, and he was not so much forceful but the views he put forward were put forward in such a way that they demanded to be listened to. Unlike some of the others in the house here today who have said that they did not always agree with what he said, I agreed with a lot of what he said, and one of those, of course, is my support for voluntary euthanasia. He often provided advice; it was sound advice, good advice. If you did not listen to it, it was often at your own peril. As I said, he was a decent human being, he was very smart, and he was a man of great integrity.

I want to reinforce something that the member for Mawson said. It was heartening and also very sad, in a way, to see Bob here on that opening day, but it gave us all a great thrill that he was here, and he demonstrated great courage. But one of the things that did hurt him was what occurred during the last election campaign, and he did mention it to me on numerous occasions. As so many people have said today, Bob was a man of great integrity. He did not play politics. He understood that politics is a tough game and a hard game, but he played it with a straight bat. He played it the way politics should be played, and he was held in the highest of esteem because he did exactly that. It did hurt him. In that last campaign he deserved better than that, and I think that he wished more than anything else that politics would be played with a straight bat and that the argument be about the issues—not playing the man but playing the ball.

This place and, indeed, the South Australian community, was a better place for Bob being here and the participation that he had in public life. Again, I extend my most sincere condolences to Lyn, Adrian, Darren, the family, and the staff. I feel very much for their loss.

Mr VAN HOLST PELLEKAAN (Stuart) (15:39): I want to add my very genuine words to this condolence motion, which is bipartisan. Mr Speaker, we speak through you, of course, directly to Lyn and Bob's family and friends and staff. I only shared one term with Bob so I do not know him nearly as well as many here. My one word for Bob would be 'generous'. He was very, very generous to me, and everybody else, with regard to the advice, support and knowledge that he shared, and it did not matter whether you were Liberal or Labor, young or old, man or woman, or whatever, he was happy to help you because he wanted everybody here to be as good a member of parliament as they possibly could because that was going to contribute to the best results.

He did work very hard for his electorate, as the vast majority of us do. We know that the foundation of our work here is our electorate work. But he did, also, work very hard on important issues to him with regard to social responsibilities as he saw them. He did have an understanding of commerce and he did have an understanding of the realities that you cannot avoid when trying to make change but he worked very hard for his electorate and very hard on social issues.

When he did that, he wanted everybody to be fully informed. One of the most striking things for me was that he wanted to make sure everybody knew all sides of the argument, not just the side of the argument that he was hoping would be successful. He wanted everybody to be fully informed.

Through that process, he never once tried to twist my arm, and I am sure the same would be true of others. He wanted to sit down and talk and he wanted me to know the pros and the cons but he never once tried to twist my arm or change my mind or get me to do something that I was not comfortable with, and I think that is a very generous spirit.

That is an example of a person who really does want the best results. He did not want a political victory. He did not want a concocted victory. He did not want a result that he had to manufacture. He wanted everybody, or the vast majority, of people to be on board with the issues that he wanted to work for. I think it is a tribute to him that four former members of parliament have come to listen to this condolence motion today. It is a genuinely bipartisan couple of hours that we are having today and that is a pleasure in itself, and Bob gets credit for that.

One of the generous things that he did early on in my first term was send out a list of South Australian firsts to all members of parliament. A lot of MPs would have sent it just to their friends or just their political colleagues or just to people they thought might be of influence. He sent it to everybody. I printed off this list and carry it in my satchel everywhere I go, and I have had it for about four years now. I thought I would just touch on a few things on that list, because it is a long list, that I think would have been pretty important to Bob. They are:

- First colony to adopt the legal provision that evidence from Aboriginals can be accepted in court.
- No property qualification for members of the House of Assembly.
- First state secondary school for girls in Australia in Adelaide.
- First juvenile court in Australia set up in Adelaide.
- South Australia becomes the first colony in Australia and the fourth place in the world to grant adult women the right to vote and the first in the world to grant them the right to stand as members of parliament.
- Family Relationships Act abolishes the legal consequences of illegitimacy.
- Rape in marriage is made a criminal offence.
- SA becomes the first state to make discrimination based on age unlawful.

It is just a short selection out of six full pages of the things that I think would have been particularly important to Bob but, if Bob had been here in parliament at the time that those things were being debated, he would have been at the front of the charge to discuss those issues.

We will have further reforms that come through this parliament that, unfortunately, he will not be here for but Bob, Lyn, family and staff will be able to share in the credit for some of those things that do still come ahead of us. He would have fought for those things. He did fight for things when he was here, and some things will change and you all can share in the credit because, as we know, no member of parliament works in isolation. We all rely on our family, our friends and our staff to help us do the very best work that we can do, so you share the credit of everything that has been said about Bob here today. I offer you my very genuine condolences and warmth for you moving forward without him.

The Hon. S.W. KEY (Ashford) (15:45): I got to know Dr Such when I was the Chair of the ministerial youth committee—it seems amazing these days—when Mr Rann was the youth minister. Within days of being appointed, Dr Such wanted to talk to me about issues for young people. This connection on youth matters continued right up to when I was elected into parliament, becoming shadow minister for youth and then minister.

One of the activists of the time was Mr Kym Davey, who was also the Executive Director of the Youth Affairs Council of South Australia (YACSA). He held that role from 1988 to 2000. Sadly, a letter that he wanted published in *The Advertiser* was not published, but he has given it to me because it summarises particularly Bob's role with regard to youth affairs. His letter, if it had been published, said:

Bob Such was a good man. Many nice things have been said about Bob since we heard the news of his untimely death on Saturday. I mourn his passing and extend my condolences to his wife Lyn and his three sons and three grandchildren.

I met Bob when he was Opposition spokesperson for Youth Affairs in 1991. He used to come to the events we held at the Youth Affairs Council and stay for a chat to give us feedback on what we were saying about young people's needs at that time. I remember him chiding me that YACSA wasn't paying enough attention to the needs of young men from working class families. He said 'it's fine you're interested in minority groups—but don't overlook the young men who are struggling to finish their education and find work'. He cared about those who were being pilloried at the time as a juvenile justice problem. We listened to him and we worked well together.

Later, as Minister for Employment and Youth Affairs Bob was in a position to do something himself. He did many good things in his portfolio of Youth Affairs and Employment, but none more significant to me than boosting the numbers of traineeships being offered by the state government from 500 to 1500. There are a lot of Generation X South Australians who got their first start in the workforce because Bob saw a practical opportunity to help them and to help the community.

Helping other people get ahead was his aim in public life. He did it with a commitment and good grace and I have rarely seen this in other politicians. Vale Bob Such. I will miss your voice.

Kym Davey

In 2002, under the Rann Labor government, I became the social justice minister, and this included the youth and status of women portfolios. Dr Such continued to advocate for young people and was very supportive of me in this role, even though I was a Labor youth minister. As a youth minister himself, he had left this portfolio in good condition, certainly for the next Liberal minister who took over from him and eventually for me.

I found that on most issues I was on the same page as Bob Such. Like the member for Colton, there were many things that we shared. Like the member for Port Adelaide, I found that we had a love and commitment for Flinders University—our university. Also, Bob and I were both educated in technical colleges, so we had a lot to talk about with regard to not only the gaps in our education but also the good things that came from having a technical high school education.

One of the issues that we shared was our concern about people getting honorary PhDs. He was very concerned about that, having earned his PhD. Living with a graduate of a PhD, I am very much reminded of the sacrifice of not only the person doing the PhD but the people supporting the person doing the PhD. I know that the member for Port Adelaide understands what I am talking about here.

One of the areas Bob and I agreed about was the lowering of the voting age to 16, something I do not think everybody was in agreement with. I think that people just need to look at the recent Scottish election to see whether or not perhaps that is a good thing, but it is certainly something I support and, as a former youth minister, something I, like Bob, advocated for.

In relation to the preservation and promotion of the use of native and indigenous plants, there would be many a native plant show at the Royal Adelaide Showground that he would attend, and I know that he was a member of that association for many years. Certainly, the people who work at State Flora would be very aware of his passion for native and indigenous plants.

I have already spoken about traineeships, but certainly traineeships and apprenticeships were very close to his heart, and his dedication to higher and further education was something that was at the top of his agenda, which the member for Unley has talked about.

I must say that I am a more recent convert, but Bob Such was a pioneer for the need for the spent convictions legislation to be amended. Our Deputy Premier, the Attorney-General, also talked about the need for spent convictions legislation, and I am hoping that the spent convictions legislation will be further amended in the near future.

I think he talked to all of us about natural burials, as he was a real advocate for reform in the whole burial and cremation area. We all know of his ongoing campaigning with regard to the choice of voluntary euthanasia, advance care directives and, as the member for Stuart said, recognising South Australia first. An interesting article on this matter was taken up, I think, by Penny DeBelle recently in *The Advertiser*, and it has provided a number of stories in this place and something we really should be proud of.

I was on a committee with him for a brief period of time when he was Speaker, looking at possible additions to South Australian artwork for Parliament House, and he held a number of meetings with the Art School to see whether we could progress that area. As people would know, he spent a lot of time in private members' time pursuing the things he believed in by putting them into action, either by motion or by draft bills. I think that he would have had a record number of draft bills that those of us who are in private members' time would be very aware of.

I want to mention the former members in this house because they do not have the opportunity to speak today. I know that Bob worked on many campaigns, certainly as a Liberal member and then as an Independent, with the former member for Schubert, Ivan Venning, who is here today. He was very important in the campaigns in the south that the former member for Reynell, Gay Thompson, was involved in. I know that there were many issues they worked together on, particularly a love of doing a demographic and social analysis of people who lived in their various electorates and knowing what sort of education level and what sort of aspirations people had in that electorate. That was certainly something that Gay, having a statistician background, was really passionate about, and I know that she worked a lot with Bob Such on that issue with regard to the southern area.

Lyn Breuer reminded me today that Bob, having taught in Whyalla for a while, forever maintained a connection with the Whyalla area and the electorate of Giles. She wanted to acknowledge the work that he did with her in that area, even though he was the member for Fisher and she was the member for Giles. She also acknowledged his interest when she served as our Speaker and the support and sometimes interesting discussions that she had with him on what one did as Speaker.

Robyn Geraghty, former member for Torrens, and Bob Such, as I understand it, were radio stars together. I had to fill in for Robyn a couple of times and it was a pretty heavy-duty responsibility because not only did you get to hear of issues on talkback radio but you got the workload that was associated with it because Leon Byner, in particular, and other radio hosts would say, 'You just need to ring up the Fisher electorate office or the Torrens electorate office and this will be sorted by them.' Although Robyn and Bob did a very good job, I am not sure their electorate staff were quite as enthusiastic about this stardom as others were.

I know that Robyn worked very closely with him and was one of the members, along with Ivan Venning, who was in this house up until the last election with Bob Such, so they would have served for many years. I know there are a couple of other members here who would have that length of service, too. Robyn as the Government Whip also had to negotiate with Bob Such, particularly in private members' time because there needed to be some re-timetabling made possible so that other people could get to speak in private members' time.

I would like to finish on one little story, and the member for Colton and I just had a quick word about this. I did not know this because the men in this place operate separately from the women in this place and they have their own little club. Apparently a while ago, I think—so I do not blame any of the new members or even those from the last parliament, and I do not know whether you were involved, minister—there was a view to have a Black Skivvy Day.

Members interjecting:

The Hon. S.W. KEY: Yes, so a few people. It is obviously more recent than I thought it was because a few newer members are nodding. I think in the end, though, Bob was the only one who actually wore his black skivvy under his—

An honourable member interjecting:

The Hon. S.W. KEY: Sorry, the member for Enfield—I missed that—and also the member for Newland. Well, there was a bit of solidarity! I remember looking at Bob in private members' time and thinking that he looked very good in that black skivvy. It was certainly a change from the usual male members of this place wearing their shirt and tie. As the member for Colton said, Bob had a few nicknames in here—and few go around the place, again mainly amongst the men. One of the nicknames was that Bob Such was renamed The Black Wiggle.

I think people would have seen the ABC program that talks about, 'What would Putin do?' There was a change to say, 'What would Bob do?' We were basically talking about Bob Such. Maybe

that is a good guiding principle when people have some concerns, particularly about how one should behave, perhaps not so much on the dress code—what would Bob do?

My condolences to Bob's wife, Lyn, his three sons and three grandchildren. Also, as other members have said, I acknowledge and give my condolences to the Fisher electorate staff—Barbara, Linda, Margaret and Sandra. Thank you very much for your ongoing work because, coming from an electorate office myself, I know that the Ashford staff appreciate your help and cooperation, and to Bob's many friends. Thank you, Bob.

Mr WHETSTONE (Chaffey) (15:59): I feel quite honoured to be part of this condolence motion. It is such a sad occasion. Dr Bob Such was a great institution here. He was one of a kind. My condolences go to Lyn, the family and particularly to his team. His team was his family; his team was his staff; his team was anyone whom he spoke to, because he always consulted with people. He did not actually talk at people; he just consulted with them. He would talk with them. He took in their views, as well as giving them his views.

In his contribution as a shadow minister, as a cabinet minister, as a deputy speaker, as the Speaker in the House of Assembly, and I think more importantly as the member for Fisher, he was quite a complete politician. He was a politician whom many respected. I would almost go as far as to say that all respected him. He was someone who people knew. They viewed him and knew that that was 'Dr Bob'. He was someone who made a great contribution to South Australian politics. It was always his intention to make a difference, and he did that with a passion, and also that dedication.

Having not been a parliamentarian for an extended period of time, during my early days as a member I always heard about Dr Bob Such, the Independent. I took quite an interest in listening and reading about the way he went about his business. It was quite unique. I think others aspire to be very much like him, or have that flair or flavour that he had. I think he has rubbed off on many of us here in this place.

What I can say is that he was a regular visitor to my electorate office. I do not say once a year; he was a regular visitor. He had family in the Riverland; he had many friends in the Riverland; he had many acquaintances in the Riverland. He was always up for a cup of tea, always up for a chat. Every time he would come to the electorate office, I would say, 'Yes, Bob, I've had my prostate checked,' and we would get on with the conversation.

Obviously we have talked about many of his great attributes today. They are attributes that we have shared. We talked about speeding tickets. We have talked about the injustice that he was dealt over those tickets. He had a real affiliation with the Riverland, with the horticulture, the river and the people. He had real deep roots. As I said, he had relatives in the Riverland. One of his favourite lines was to say that he was related to the Ricciuto family. He was always very proud to mention Mark. I think Mark is a favourite son to many South Australians, but Bob had one over everyone because he was related.

On reflection, Bob always had time for a chat, always had a story to tell or always had a story that led on from a conversation or an issue that you raised with Bob. With that, I think today has been almost a day of celebration. Bob was a great South Australian. He was a great husband and a great family man. He was a great MP. He was a great politician and made a great contribution to the South Australian parliament.

I was deeply saddened to hear of Bob's illness. I was saddened to see him when he attended the opening of parliament this year, not because he was here, but I was just saddened to see that a great man had been struck with illness. I was particularly sad to hear him say that he was now in God's hands. I must say he is now in God's care. Again, the South Australian parliament has lost a great contributor; he was a good man. My thoughts are with you, Bob, and you will be ever remembered as 'Dr Bob'.

Mr PICTON (Kaurna) (16:04): I rise briefly to also add my condolences on this motion. I did not have the pleasure of serving in this house with Bob, although I did have the pleasure of working with him from time to time when I used to work in the state government five or six years ago for the previous health minister, John Hill. I know John, along with all the other former members of the house here today—Lyn, Gay, Robyn and Ivan—sends his condolences to Bob's family.

Bob was a tremendous advocate for the southern suburbs community, for the policy issues he felt passionate about and for the many creative ideas which he would come up with almost daily, and these had two manifestations. Firstly, private members' business in the house became more vibrant and creative. Parties were pushed to debating issues that would otherwise not necessarily have seen the light of day. I think one of his legacies to this day is that the Labor Party's caucus agenda has had to be changed to accommodate all the motions that Bob would put up for debate.

Secondly, he had a constant stream of letters to ministers, as the Minister for Manufacturing mentioned, many of which were sometimes one or two-line ideas that no doubt were written or put into a dictaphone late at night, but they would send departments and ministerial officers into a flurry of activity to respond to. I think it was a very good thing for the Public Service to consider new ideas and also to defend their positions on policy matters and push the boundaries of their thinking.

In the health portfolio there were two specific examples of policy issues that I can think of where Bob's drive and persistence led to changes that we see today. First, his advocacy for men's health and his involvement in the Freemasons Foundation Centre for Men's Health has been mentioned. He pushed the government to develop the first men's health policy for the state, which is now in place, and also to achieving public patient access to the da Vinci machine for prostate cancer treatment, which is something he was obviously very passionate about.

His other legacy in this area was in terms of scores on doors, to give consumers greater information on the public health performance of restaurants and other food establishments. I know the current Minister for Health, in recent days, has taken further steps in that regard which will be seen as another great legacy of Bob's work. So, I would like to add my condolences to Lyn and his family on their loss. I assure you that Bob has left a tremendous legacy for this state that will long be remembered.

Dr McFETRIDGE (Morphett) (16:06): Robert Bruce Such was a good mate of mine. We went back 30 years to the Aberfoyle Park High School governing council. My veterinary practice at Aberfoyle Park/Chandlers Hill, was basically the same area as Fisher and Bob and I would bump into each other, not only at the high school governing council but at many other places. We got to know each other quite well before I became politically motivated and came into this place and he was an influence in my life. Back then, his thoughts, his ambitions, his drive were quite evident, and to listen to members today it has been an absolute pleasure for me, personally, to realise the extent of the goodwill in this place. As the member for Mawson said, we are all people after all. The extent of goodwill that has been shown in this place, not just to Bob but to his family, his staff, to all of us in this place, is a credit to us all and I know that Bob would be very proud of this place and the way it is today.

There are other former members of this place who I know would have liked to have contributed to this motion: the former members for Giles, Schubert, Torrens and Reynell, good mates of all of us in this place on both sides and very decent people. They knew Bob and they knew Bob well. I also mention the former clerk of the house, Mr David Bridges, who is here today. David gave not only Bob advice, and I am sure Bob gave David a lot of advice, but he was a terrific stalwart for all of us. He knows the history, he knows the whole background of this place.

As I say, Bob and I go back a long way. When I did become an active member of the Liberal Party I was still practising at Chandlers Hill Road and next door was the Post Office Restaurant. It was early 2002, from memory, and the Fisher branch of the Liberal Party had its annual dinner and they invited me along, as they knew I had become a member of the Liberal Party. I was there with Bob and I looked around and there was Susan Jeanes and her family and extended family. I thought, 'Well, the first thing you learn in politics is how to count and you're in strife, Bob,' but as we have just seen recently Bob never gave up. Bob did what Bob wanted to do. He kept on doing the right thing for the people of Fisher and the right thing for the people of South Australia, not for Bob, and we saw that time and time again, election after election, where Bob kept on coming up trumps.

He was a terrific bloke. I had a lot of advice from him in here, and I was more than happy to do what Bob did, and that was to stick your head up on issues. I have been called Dr Mengele in this place on particular issues and my wife has been sent letters telling her to pray for me because I am going to hellfire and damnation because of particular issues, particularly voluntary euthanasia, but I

am happy to work with the member for Ashford in supporting Bob's continuing campaign. It is not compulsory: it is voluntary.

Bob always did what he thought was right, no matter what the consequences were, and I can say that I do know a lot about metrology now, the science of determining the accuracy of speed measurement. I also know a lot about the cosine rule in the use of lasers in speed guns. It is interesting to become involved in Bob's passions, because when he is locked on he is like a missile; he just does not let go until the job is done.

I suppose one of the greatest compliments that could have been given to Bob in this place was given by the late Greg Kelton in September 2006. Greg was writing, in *The Advertiser*, about the Thinkers in Residence program, and said:

While we may never know the names of all those nominated for the Thinkers role, there is a school of thought that perhaps one of them should have been Independent MP Dr Bob Such. Outspoken, colourful and thought-provoking, Dr Such could well be considered State Parliament's present Thinker in Residence.

Bob was always thinking. We had Bob's time at the start of question time, we had Bob's time Wednesday mornings and Thursday mornings, and at any other time that Bob wanted to speak. When he got up in this place you knew he was going to contribute in a way that would be constructive, informed and intelligent, and you went away having something to think about. It was not just filibustering and it was certainly not just filling in time.

Behind every member in this place is their family, and Lyn and the boys and Bob's extended family are here today; but their staff are there as well. Barbara, the office manager, takes the cake. She has been there since 1989, 25 years. Linda has been doing research and liaison work there for 12 years, and Margaret has been doing research and policy work for six years. Sandra has been doing media liaison for over two years (wouldn't that be a busy job with Bob), and prior to that Alana had worked for Bob for seven years. She is now working as a solicitor. Your staff are completely invaluable to you and I know, like everyone's staff in here, that they go above and beyond, they go that extra mile, to make all of us look good. I thank Bob's staff for their hard work, and I know Lyn and the family would also be thanking Bob's staff very much.

Bob was very close to his constituents, and I have a couple of anecdotes here from some people who wrote in to his office. One lady said:

I am terribly saddened to hear the news of Dr Bob Such passing over the weekend. My part-time job during secondary school was at the Woolworths at Aberfoyle Park shopping centre. Whenever Dr Such would come through, he would eagerly ask me how my studies were going and what my plans were for the future. I often think that he would be quite proud of what I have achieved to date.

This interest and concern he showed the people in his electorate, and the South Australian public more broadly, is a credit to the dedication and passion he had to his work. He will be greatly missed among the South Australian community. My thoughts and prayers are with his family and colleagues during this time.

Another lady told a story, during the 2014 election, about how she always voted for Bob because once, back in the nineties, she had broken down on the side of the road on Old Belair Road on a cold and stormy night. She said she had a big black raincoat on and was inspecting her car, anticipating the walk up Old Belair Road to the service station so that she could call the RAA, when someone pulled up—Bob. She said numerous cars had passed and no-one had stopped. She said he introduced himself plainly as Bob Such (no mention of this title as an MP) and, being Bob, he had a towrope in his car and offered to tow her car to the service station. She said he never even knew she was a local Fisher resident and lived at Happy Valley. She said she had voted for him ever since.

Another lady once said that she voted for Bob because he used to come to the kindergarten her children attended, and he would hand out awards to the little ones. Her words were, 'How many politicians take the time to do this for little kids?' I hope we all do, but Bob was particular in doing that. The most important thing that all of us can do is to do what we are doing today, and that is, remember Bob. You are never dead until people stop talking about you, and I know Bob will be spoken about; he will be remembered.

His legacy, with the various pieces of legislation, the code of conduct (even yesterday), is something that we need to keep in the front of our mind in this place, and I know we will with Bob. The late Terry Roberts was another person who died in office. I had great regard for Terry and I had

enormous regard for the late Bob Such. Lyn, Johanna and I treasure that opening day. We will miss Bob. We will miss the trip, when you were going to come down to the farm; and, boys, if you are half the man your dad was, you are terrific blokes.

Ms DIGANCE (Elder) (16:15): Dr Bob Such: passionate, approachable, caring, down to earth, always visible and available, interested, humble, humanitarian, fair, tenacious, a gentle man. These are just some of the many words I heard used by people to describe Bob while I walked the electorate of Fisher contained within the federal seat of Boothby. I found Bob to be very generous with his time. Both times when I ran as a candidate for the federal seat of Boothby, first in 2010 and then in 2013, Bob spent as much time as I required, giving me the benefit of his years of wisdom and commitment to the people in the electorate of Fisher and, indeed, the state. He would run through all the issues from those of the strategic big picture, filtering right through to the really minute issues that would bother people in their day-to-day lives. His advice to me was: always be present, always be seen, always be accessible, be interested, and stick to the facts.

He knew his electorate in great depth, and he knew the people. He knew what lay at the heart of all things in his area. While he focused locally, he was also astutely aware and active on issues that impacted further afield. When Bob ran as an Independent, the constituents of Fisher made their voice heard loud and clear, as the vote for Bob was solid. The electorate, by doing this, recognised him as their man. They recognised him as their member of parliament, always ready to serve, a man of the people acting for them, a compassionate man, a listener, a doer, an advocate.

While I worked with him only as a candidate and then later in my role as a ministerial adviser, I am so sorry that I never got to sit next to him as a member of parliament. Dr Bob Such, you will be sadly missed; however, your legacy, enthusiasm and energy will endure. You were a wonderful man of presence and achievements. My deepest sympathies to you, Lyn, and your family, your friends, and the electorate staff, who would be friends as well. May you hold his memory dear and be proud.

Mr WILLIAMS (MacKillop) (16:18): It is obviously with sadness that I join this debate and support the motion moved by the Premier. I concur in and support the words that have been said by many of my colleagues here today celebrating the memory of Bob. This is a strange workplace. It is not necessarily conducive to making friendships, with the adversarial nature of what we do in this place, but I do not think I ever walked into a room where Bob was when he did not welcome me with some comment.

Bob had that happy knack of recognising some feature of each of us outside this place. In my case, being a farmer, he always made some comment about the latest weather pattern or the seasonal conditions. He knew that my farm consisted of producing prime lamb, so we would often discuss the price of lambs in the marketplace, and I noticed that he did that with every one of us. He knew something about all of us outside this place. He was interested in us as people and not just for what we do in this place.

Anyone who has been returned to this place, particularly on a number of occasions, knows how important the relationship is that you develop with your electorate, but Bob made an art form of it; there is no doubt about that. He regularly surveyed his electorate—he was obviously very close to what was going on in his patch—and he had the ability to turn what he was being told, and the aspirations of his constituents, into a motion or a bill and he regularly—as it has been commented by many—brought to the house, as I say, a motion or a bill. Then he would promulgate the public debate—not just in here, but on the radio, or in the daily paper—on issues which he thought were important; and there were many of them.

As we all know, the matters that Bob raised, canvassed and fought for were wide and varied and the one consistent thing was that he always believed in what he was doing and always believed in doing the best that he possibly could for his constituents, and that is why they continued to return him. It was a pleasure to have known Bob. I extend my sincerest condolences to his wife, Lyn, his extended family, friends and loved ones.

Mr ODENWALDER (Little Para) (16:20): I rise to make a very brief contribution as I did not know Bob Such as well as many others here, as much as I would have liked to. I simply echo some of the observations that Bob was a kind and a welcoming mentor to new and inexperienced members. He was always available for advice and encouragement, particularly in the minefield of private

members' business where Bob, of course, used the parliament to great effect to explore and canvass his many ideas. Thursday mornings were always the most lively and most interesting sessions, and I still look forward to them, and that was largely due to both Bob—and the member for Ashford, I have to say.

The Hon. S.W. Key interjecting:

Mr ODENWALDER: But largely due to Bob. That is a compliment, member for Ashford. Bob took a particular interest in the fact that I was formerly a police officer before I came into this place, and he would often collar me in the corridor to talk about many aspects of law and order, and police operations—not only around the regulations and the general orders around speed camera calibration but also about the issue of dealing with antisocial behaviour, which was an issue which we shared an interest in. I had to remind him on occasion that I was not, in fact, the police minister, nor the A-G, but I was always happy to debate these issues with him.

Bob was an ideas man and he was a true 'liberal' in the sense that I understand it, in fine tradition. He was a good man; he was a kind, generous and big-hearted man, and I will miss him, and I want to express my sincere condolences to his family.

Ms WORTLEY (Torrens) (16:22): I rise to support the motion and, in doing so, express my sincere condolences to Bob's wife, Lyn, and his sons and family. Bob Such was a highly-respected politician, both in this parliament and in the wider community, and while I did not have the opportunity to serve with him in this place, I know from many of our colleagues—especially those who served on committees with Bob—that he was noted for his integrity, his hard work and his dedication to his electorate, the parliament, and the state of South Australia. I must add that the common theme of those remarks was the absolute decency he embodied and demonstrated at all times.

As a newly-elected member, I last spoke to Bob Such on the opening day of the parliament and it was a day of considerable emotion for Bob and, I have to say, for all of us here. Bob congratulated me on my election and proceeded to offer me some advice which I assured him I would accept. He smiled and nodded. That was the measure of the man—still caring about the wellbeing of others even though he felt the way he did. Vale, Dr Bob Such MP.

The Hon. I.F. EVANS (Davenport) (16:23): I rise, very sad to be contributing to this debate given the circumstances of Bob's passing. The Such family and the Evans family go back to 1856. The Wescombe family, relatives of Bob Such, were the first to move to Upper Sturt, and my family were the second. Through generations, the families have worked side by side in a whole range of events. In fact, Bob's brother, John, was going to the Upper Sturt church annual working bee, which has been happening for over 100 years at the Upper Sturt church, on the morning of Bob's passing to work at a working bee where my family were. I want to speak today in this condolence motion to put my thoughts about Bob Such on the record and to clarify, from my perspective, the relationship between Bob and me that had been written in a misinformed way by the media since the 2014 election.

When Bob stood in 1989, my father backed Bob Such. He was a councillor in Mitcham and dad was one of the local MPs. There was another guy called Geoff Arnold running and dad decided to back Bob Such. So, when dad decided to back Bob, the whole family tended to lock in. That is the way it worked. We helped support Bob not only through the preselection and the party process but also in the general election.

It was good to get Bob elected because he was a man of the community. He was a bloke who was genuinely interested in helping people, whether that be in his private life or in his public role as a local Mitcham councillor and, as people have spoken about here, through his role on parliamentary committees or as a minister and member of parliament generally.

It was unfortunate for Bob and, indeed, I think the parliament and state, that Bob was on the wrong side of the vote when John Olsen took over from Dean Brown which ultimately saw Bob not retain his ministry. Bob lost his ministry not because of a lack of talent or a lack of work ethic or a lack of performance. It was simply stupid politics, that he happened to be on the wrong side of that vote. That, I think, was regrettable. But, to Bob's great credit, he did not spit the dummy and leave the party at that point. He stayed within the party and worked within the system trying to promote his

Liberal philosophy and his own causes. He left the Liberal Party, of course, when his preselection was under threat from the left wing of the party—which, in my view, was a mistake.

I went to see Bob at his home in Diosma Drive the night before he announced he was going out as an Independent. I went and spoke to him about the role of Independents. My father had been an Independent, and I spoke to him about what you could and could not achieve as an Independent, the benefits of staying within the party, what it would mean for the state long term, about stability of government and the possibility of more or less Liberal governments. But Bob had made his mind up. He had his own view and I respect that—I very much respect that. To his credit, what he achieved as an Independent member of parliament, which is always a difficult role to play—what Bob Such achieved as an Independent member of parliament—was quite outstanding.

He did not leave the Liberal Party, as some of the press has written at times, because of the sale of the power assets or, indeed, because he lost his ministry. That was years before he left the party. He left the party because the reality was, as the member for Morphett alluded to, his preselection was under threat and he decided he would stand as an Independent, which was his democratic right.

My relationship with Bob has always been, in my view, until this election, very good. We had neighbouring electorates: Davenport and Fisher are side by side. Half of Davenport was once in Fisher, and Bob represented that over a long period of time. He wrote a letter of endorsement for me at the 1993 election to help me get elected in the seat of Davenport. I always used to smile when Bob used to lobby me about euthanasia and I used to say, 'Bob, my view about euthanasia is exactly the same as when you wrote my endorsement letter to get me elected in 1993. It has not changed.'

Bob and I kept to our territory. We basically did not have any boundary fights or issue fights. We were side by side. The issues around the 2014 election I will deal with in a debate another day. Suffice to say, from my point of view, it was political and not personal, and I just want to make that clear to the house and to the family.

My view is that Bob Such was a great man of compassion. That was my observation. The reason he was so successful was that he had a genuine interest in people, and I think that is what carried him right through his time in politics. He was a very good local member and, most importantly, he was a good and decent bloke. My condolences to Lyn and the family.

The SPEAKER (16:29): I joined the house with Bob in November 1989, and the people from that year were Michael Armitage, Mark Brindal, Colin McKee, Vic Heron, John Quirke, Colleen Hutchison, Wayne Matthew, Paul Holloway, Dorothy Kotz and then, shortly afterwards, Ivan Venning at a by-election.

Bob won his seat from Labor. He held it for almost 25 years and, from the 2002 election, he held it as an Independent. Indeed, in his first election as an Independent he got 33½ per cent of the primary vote and 62.1 per cent of the two-party preferred vote, and went on to increase that primary.

Bob had the knack of giving journalists and broadcasters the ideas and the lines they needed. FIVEaa was, as I think someone said, 'radio Bob', especially in the morning. I am glad someone mentioned his advocacy of a bunyip monarchy—a royal family from Australia. I was one of the few members of parliament who was quite sympathetic to that.

Ms Chapman: Sir Michael!

The SPEAKER: The member for Bragg is exactly right because Bob from that time forth would greet me, when he saw me, as Sir Michael, and he would chuckle as though we were together in a conspiracy. When I became a minister, I received Bob's renowned letters. Just as cricketer W.G. Grace was celebrated for after-dinner speeches of one sentence, Bob was celebrated for one paragraph letters to ministers. I will exaggerate a bit here, but a Bob letter to me would run:

Dear Attorney

My constituent Jane Smith of Happy Valley says there is no justice in South Australia. This has implications for your portfolio.

Yours sincerely

Bob Such

Member for Fisher

Then some ministerial assistant would go away, sometimes for days, and prepare a reply. Bob valued parliament as a forum. He respected the institution and tried to use it to its full. When he became Speaker, he was an excellent Speaker, and he was also a good Deputy Speaker. When I became Speaker, he would sometimes send me a note during question time proposing a question he wanted to ask. I would give him the call and he would take parliament and the agenda in a direction neither the opposition nor the government wanted question time to go, which was quite refreshing.

When I was attorney-general, I wanted to bring in legislation on hoon driving and spent convictions, but the member for Fisher beat me to it. I decided to use private members' time and Bob to put the bill through, so both those bills were Bob Such bills rather than government bills; obviously, we had some input. I had a lot to do with Bob on youth justice, on graffiti and on the Statutes Amendment (Disposal of Human Remains) Bill.

Later on, I was on 'backbenchers corner' with Bob and Rob Lucas, with Leon Byner on radio FIVEaa. I took over from Robyn Geraghty. What would normally happen was that, in the opening five minutes, Rob Lucas and I would lay into one another about the political issues of the day, Leon would open the line and none of the callers would be interested in what Lucas and I had to say: they would simply be ringing Bob for advice on traffic fines—and that was the entire program. Bob and I did a segment together in 1997 on the ABC's election telecast. He was a cautious fellow. He did not jump into coalition in 2002, nor in 2014. He left it to others to make the running.

Private members' time, as we have all said, was Bob's time. My most vivid memory of Bob in private members' time is that he was the only MP to go within one vote of winning a second reading vote on a private member's bill—a highly contentious private member's bill (dignity in dying)—without any other member speaking. Bob moved the bill, gave his second reading speech, left it on the *Notice Paper* and then hit us with a speech in reply to himself some months later and almost won the vote.

I thank the staff of the Fisher electorate office for keeping looking after the state district during Bob's long illness. Bob's return to this house on opening day 2014 was heroic. It is probably the loftiest and most memorable scene in parliament in my 25 years. Vale, Bob Such.

Motion carried by members standing in their places in silence.

Sitting suspended from 16:36 to 16:46.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Manufacturing and Innovation (Hon. S.E. Close)—

Flinders Ranges National Park Co-management Board—Annual Report 2013-14
Premier's Climate Change Council—Annual Report 2013-14

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (16:46): I bring up the 11th report of the committee.

Report received.

Mr ODENWALDER: I bring up the 12th report of the committee.

Report received and read.

Question Time

KERIN, DR PAUL

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:49): My question is to the Premier. Does the Premier agree with the comments made by the Treasurer yesterday that former CEO of ESCOSA, Dr Paul Kerin, resigned as a political statement following today's revelations that

both Professor Dick Blandy and Barbara Rajkowska also resigned as board members of ESCOSA due to the government's water pricing regime?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:49): People are entitled to exercise political points of view. No-one is stopping them. In fact, given the remarks of Mr Kerin in his letter about somehow the independence of ESCOSA had been trampled, given their comments publicly, I fail to see how. How has this government in any way impeded the independence of that regulatory body? Why is it that somehow retired or resigned board members have greater powers now to speak out than they did when they were on the board? No-one would have stopped them. They are an independent body.

They have made political assumptions and political statements and they are upset at the election of this government. They are entitled to be. It is a free country. People are allowed to speak out. People are allowed to exercise political opinion through resignation, as you have witnessed with one of your former leaders resigning and causing a by-election, because you lost the election. He is exercising political expression, as is the member for Waite who exercised political expression. People are entitled to exercise political expression through the media, through letters or through resignations, and I expect it is not to be the last.

KERIN, DR PAUL

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:51): A supplementary, sir: as the Treasurer believes Dr Kerin's resignation was politically motivated, does he also believe that the comments made by Professor Blandy and Ms Rajkowska were also politically motivated?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:51): The only reason I say Mr Kerin's resignation motives were political is because he says so in his own letter. He says so. The quarrel I have with the two other board members you are talking about is that they are wrong; they are just plain wrong. We are the policymakers and they are the regulators. I think it is important to note that, if you want to take Mr Blandy's article today in *The Advertiser*, it is probably a very interesting piece of academic work by Mr Blandy, but the reality is that, under the regulatory rule book that all Australian governments have signed up to, pricing must be determined taking into account the actual cost of doing business.

It is not reasonable to assume the prices of water in Victoria or New South Wales, or Queensland for that matter, are reflective of the costs of providing water here in South Australia. SA Water's costs are subject to independent review by ESCOSA. Cost efficiencies are identified by ESCOSA and are passed on to the customer. In fact, this process delivered a reduction of 6.4 per cent in 2013-14. If you want to talk about cash registers, let's talk about the last year of the last Liberal government and the dividend they took from SA Water. In today's terms—

Ms Chapman: Just make it up.

The Hon. A. KOUTSANTONIS: No, I am not making it up. In today's terms, it was \$170 million. The dividend—

The SPEAKER: Treasurer, that government was so long ago and far away that I do not think those remarks are relevant.

WATER PRICING

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:53): My question is to the Premier. Has the new ESCOSA CEO, Adam Wilson, been given an understanding like the former CEO, Dr Paul Kerin, that the water industry would undergo considerable economic reform?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:53): ESCOSA has all the protections of this parliament and the legislation that has been passed in their creation. The chief executive and the board are independent of government. I can issue instructions but the way they regulate is a matter for them, not a matter for the government. I point out again, it is long practice in Australia across all jurisdictions that the regulatory play book

and the rule book that the Australian governments have all signed up to, including Liberal governments, is that prices must be determined by taking into account the actual costs of doing business. Comparing the delivery of water in such a decentralised state as Queensland to such a centralised state as South Australia is unfair. It is unfair and not accurate, and you could not make regulatory recommendations on that basis.

Mr Whetstone: It should be cheaper in South Australia. It should be; it is not, though.

The Hon. A. KOUTSANTONIS: I would take this seriously if I didn't think it was such a joke. The reality is, you can't compare the delivery of water in Queensland with the delivery of water in South Australia. I make this point: the dividend we have received in 2014-15 is the actual contribution minus the concessions and is \$26 million—\$26 million. So much for the cash cow.

WATER PRICING

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:55): I have a supplementary question. Have you made any personal contact with the ESCOSA CEO, Adam Wilson, to ensure that Mr Wilson receives the necessary support to implement water pricing reform in South Australia?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:55): Mr Wilson and the entire ESCOSA board have my full confidence. The government has complete confidence in ESCOSA.

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: I am answering your question. We have full confidence in them. They have all the resources that they need. Of course—

Mr Marshall interjecting:

The SPEAKER: The leader is called to order.

The Hon. A. KOUTSANTONIS: I suppose by reform, the Leader of the Opposition is talking privatisation.

Members interjecting:

The Hon. A. KOUTSANTONIS: 'Rubbish. Not true. We swear we won't. It will never happen. We've never thought about it. Don't even know what it is. Privatisation—don't even know what it is.' It is important to note that, when I met with federal treasurer Hockey, he knew all the details of SA Water and what it was worth—all the details!

Mr Marshall: Why was that?

The Hon. A. KOUTSANTONIS: Why was that, indeed?

Mr GARDNER: Point of order.

The SPEAKER: How could the member for Morialta interrupt such a dramatic exchange?

Mr GARDNER: I just make the point that the Treasurer's own secret plan to privatise SA Water is not germane to the question.

The SPEAKER: I call the member for Morialta to order, not because the point of order is bogus; it is because he grafted an impromptu speech to it. Any more?

ESSENTIAL SERVICES COMMISSION

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:56): I have a supplementary to that one. Has the Treasurer taken action to ensure that the new CEO of ESCOSA, Adam Wilson, is not hindered in his role by the same ministers and senior bureaucrats who Dr Paul Kerin said were 'stymieing all efforts of reform'?

The Hon. T.R. Kenyon interjecting:

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

The Hon. T.R. Kenyon: Thank you, sir. Please may I have another?

The SPEAKER: Yes, I warn you a first time.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:56): ESCOSA is an independent body. They have the resources that they need. When they don't have the resources that they require, they ask for more and the government considers the requests as they come in. In terms of electricity, they have surplus funds from which they can conduct their consultancies and their work, and if they want to do bodies of work on water they are free to do so, but we are the owners of the asset. The people of South Australia socialise the profits from SA Water and we spend it on our hospitals, we spend it on our schools, we spend it on concessions. I make this point again: in the last year of the last Liberal government, in today's money they took over \$170 million worth of dividend and we took \$26 million this year.

WATER INDUSTRY REFORM

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:58): I have a supplementary question. Given that when the former CEO, Dr Paul Kerin, was employed here, he came here on an understanding that the water industry would undergo considerable economic reform, and given that the resources have been provided to ESCOSA, and given that ESCOSA has provided 28 recommendations to the government earlier this year on water reform in South Australia, can the Treasurer advise the house how many of these 28 recommendations are going to be taken up by this government?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (16:59): The state government is committed to reform. We are a reformist—

Mr Marshall: How's it going?

The Hon. A. KOUTSANTONIS: Very well. The longer you're leader, the longer we'll have to reform. The longer you're leader, the more time we'll have to reform. We have amended the Water Industry Act to create a level playing field for water retailers in South Australia. The following reforms have been pursued by the government:

- We have an independent economic regulation of SA Water by ESCOSA, resulting in price decreases of 6.4 per cent in 2013-14 and price increases being limited to CPI in 2014-15 and 2015-16.
- Progression of a scheme to allow for third-party access to water infrastructure, with a draft bill tabled on third-party access to infrastructure and our water industry third-party access amendment bill 2014, with the expansion of the Ombudsman to energy and water ombudsman of South Australia to independently assess SA Water's customers complaints.
- Formalisation of SA Water's customer service standards through the SA Water customer charter and the standard customer contract.
- Requirement for external reporting and monitoring of SA Water's performance and compliance.
- Introduction of formal customer consultation requirements for SA Water's future regulatory determinations resulting in SA Water undertaking YourSAy, its biggest ever customer engagement process.
- Requiring audited regulatory accounts for SA Water, in addition to the corporate accounts.

SA Water has introduced a new hardship policy, has increased transparency on non-commercial activities through a direction from the minister to SA Water and through the regulatory approach set a long-term path (three to four-year regulatory periods) ensuring customers can plan for any changes of price. Of course that would ensure the independent technical regulation of the water industry

through the transfer of responsibility for technical regulation from SA Water to the Office of the Technical Regulator.

It is important to note the reforms the Leader of the Opposition is talking about, and it is very interesting that he has come out and said, 'Which one of those recommendations will we accept?' Those recommendations, and I think we are talking about the same report that was released in draft form earlier this year, which the government by and large ruled out adopting—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: While he giggles—because the recommendation was asking for us to increase the burden on households.

Mr Marshall: What's your plan for reform?

The Hon. A. KOUTSANTONIS: While he giggles at reform, he says, 'Why aren't you accepting that report?' For the benefit of a \$30 million impact on gross state product, to increase water prices on average by \$50 is the recommendation the Leader of the Opposition wants us to adopt. It seems to me that the Leader of the Opposition would see us adopt a report that would see 74 per cent of residential water customers see their annual bills increase by \$50.

Mr GARDNER: Point of order, sir. The Treasurer is verballing the Leader of the Opposition and debating the matter.

The SPEAKER: The second would be out of order; the first, there is no objection.

Mr Gardner: Perhaps I was grafting another speech, sir.

The SPEAKER: You were, and so I call you to order. Treasurer.

The Hon. A. KOUTSANTONIS: The Leader of the Opposition says why haven't we accepted the recommendations of the draft report, because 74 per cent of residential water users would be worse off, and 88 per cent of concession residential water customers would see their annual water bill would be up more than \$50. I held a press conference where I said we wouldn't be accepting the recommendations.

WATER PRICING

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:03): What is the government's plan to reduce water prices, or do they find it acceptable for South Australia to remain with the highest water prices in the nation?

The SPEAKER: I think there is a fair bit of comment in that question, oddly enough. 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) (17:03): As I said, the government has followed the rule book when it comes to applying accepted regulatory practice to SA Water prices since 2004-05. ESCOSA conducted an inquiry in each year from 2004-05 to 2010-11 into pricing processes to ensure that pricing was consistent with COAG principles. In the transition years of 2011-12 and 2012-13, ESCOSA provided advice directly to the government on pricing.

The details for each year's pricing decision are available on the Treasury and Finance website. It is quite clear from these reports that the water price rises are primarily related to the investment in water security infrastructure and not because of the price of water. With the price of water in place, the ESCOSA determination resulted in a 6.4 per cent reduction in water prices in the last financial year. Like any investor, the people of South Australia expect a return on their investment. In fact, the National Competition Policy has an object that the government should run its businesses the same way as the private sector does and earn a real rate of return. Let me repeat that: the commonwealth government and COAG principles require us to run SA Water as a business on behalf of the people of this state and get a return.

Members interjecting:

The SPEAKER: Will the Treasurer be seated. I know that the Treasurer can be provocative but the leader's interjections are over the top, and the member for Hartley is called to order.

The Hon. A. KOUTSANTONIS: Like any investor, the people of this state demand a return. They own the assets.

Mr van Holst Pellekaan: They don't want their assets over-valued.

The Hon. A. KOUTSANTONIS: They just want them sold, do they? They just want them sold. The requirement—

The SPEAKER: The member for Stuart is warned.

The Hon. A. KOUTSANTONIS: The requirement ensures that private businesses can compete in the market without being disadvantaged. If the Liberal Party wants us to undermine third-party access to private companies by undercutting them, then that is their policy.

Members interjecting:

The SPEAKER: The opposition asked the question in a very contentious way; they are now reaping their reward with the Treasurer answering it in a very contentious way.

Members interjecting:

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

The Hon. A. KOUTSANTONIS: The difference between a government-owned business and a privately-owned business is that the government reapplies the returns on its investments for the public good, a concept foreign to Liberal parties. Over the period 2014—

Mr Marshall: Give me a break.

The Hon. A. KOUTSANTONIS: No, I won't give you a break. For 2014-15 to 2017-18 the government is forecast to receive \$630 million in dividends and \$284 million in tax equivalent payments. Over this time the government will also make community service obligation payments to SA Water of \$515 million, which lowers the water and sewerage prices and provides for community services. The water and sewerage concession payments of \$177 million benefit lower income water and sewerage service customers. After taking into account the community service obligation payments and the water and sewerage concessions, a total of \$222 million is forecast to be available over a four-year period.

It is an interesting academic experiment to consider what would happen if the regulated asset base were slashed but, in practice, this would be a significant variation of the established regulatory practice and could seriously damage South Australia as a place in which we can invest.

Ms Redmond interjecting:

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

The Hon. A. KOUTSANTONIS: The person who is most worried about people's reputations is interjecting on reputations.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:08): My question is to the Treasurer. Now that the Treasurer has had 24 hours to check, will he clarify whether emergency services levy remissions have been removed for government-owned land? If so, what is the additional cost to government of their removal?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (17:08): I am advised that, in short, the answer is yes. No additional appropriation has been provided to agencies like DECD and DPTI or government business enterprises SA Water or the Urban Renewal Authority to fund the additional ESL changes as a result of the removal of the remissions. The cost of removing remissions is in the order of about \$4 million per annum.

EMERGENCY SERVICES LEVY

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:09): A supplementary question to the Minister for Social Housing. What is the additional cost to the Housing Trust of the removal of the emergency services levy remissions?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (17:09): I will get that answer—

Members interjecting:

The Hon. A. KOUTSANTONIS: Well, I have half the answer for you—

Members interjecting:

The SPEAKER: It's your question time. The Treasurer.

The Hon. A. KOUTSANTONIS: I've got to say that pressure is expressed in many ways. We had a whole series of bad polls on this side of the house for a long time leading up to the last election; two bad polls and you're losing it. After yesterday's Morgan poll, the animation—

Mr Marshall interjecting:

The Hon. A. KOUTSANTONIS: It is humiliating for you, I know. The only Liberal leader to have lost an election in the last two years; it is humiliating, I agree.

Mr Gardner interjecting:

The SPEAKER: I'm sorry; I was distracted in conversation with the member for Finniss.

Mr GARDNER: I'm not sure that it was 98, debate, but it certainly wasn't relevant, sir.

The SPEAKER: I will listen carefully.

The Hon. A. KOUTSANTONIS: I've finished, sir.

The SPEAKER: You've finished?

The Hon. A. KOUTSANTONIS: Yes.

The SPEAKER: Splendid. The member for MacKillop, who I am sure will pour oil on troubled waters.

EMERGENCY SERVICES LEVY

Mr WILLIAMS (MacKillop) (17:10): Thank you, sir. My question is to the Premier. Why is RevenueSA telling emergency services levy payers who have been overcharged that they can only receive a refund for overpayments on this and last year's levy payments, when section 17C of the Emergency Services Funding Act directs that refunds may be sought for up to five years where overpayments have been made?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (17:11): If the member for MacKillop would like to show me examples of that, I will remedy that immediately if anyone has overpaid their bills and is seeking a refund, or there has been an error in charging the bill. I know that a number of regional communities who have contiguous land have not made applications to have the \$50 flat fee removed from their land but are being charged that rate.

If he can contact my office directly (you've got my mobile phone number as well), I am happy to help your constituents in that matter. We don't want anyone paying more than they need to. And I will point this out: if the commonwealth government removed their cuts to our hospitals, schools and to our pensioners, we would immediately reinstate the remissions to our emergency services levy.

SOUTH AUSTRALIAN DEMOCRACY GALLERY

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:12): My question is to the Minister for the Arts. Why has the government cancelled funding for the promised gallery on the history of South Australian democracy?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (17:12): We have not.

SOUTH AUSTRALIAN DEMOCRACY GALLERY

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:12): Well, can you please provide an update to the house on the funding of that gallery and what the likely time frame for that gallery will be?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (17:12): I will get back to the house with the likely time frame, but that is the responsibility of the Office for the Arts. They have been given the responsibility for making that happen. My understanding was that initially it was expected that it would be carried out by the history trust. The office for the arts has decided that, given the nature of the project, it would be better being done by a small community-based organisation, and they are in discussions with such an organisation at the moment.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is called to order for interjecting during that answer.

SOUTH AUSTRALIAN DEMOCRACY GALLERY

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:12): Can the minister explain why people who were on the steering committee have been told that the project won't be going ahead and that in fact the money for that project will be diverted to another project, and can the minister outline to the house what that other project will be?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (17:13): I can't explain that because it's not true.

NYRSTAR

Mr HUGHES (Giles) (17:13): My question is to the Treasurer. Does the Treasurer still feel it is appropriate to provide an underwriting facility to the Nyrstar project in Port Pirie?

The SPEAKER: The Treasurer can share his feelings with the house.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (17:13): Thank you, sir. I want to thank the member for his question and his commitment to regional communities, like his support for the more than half a billion dollars of private investment in Port Pirie. In May this year, I was honoured to travel with the Premier to Port Pirie to stand shoulder to shoulder with the member for Frome to announce an agreement that had been reached with Nyrstar to finance the Port Pirie transformation project.

The project underpins the future of this important regional centre and the health and environmental outcomes of the local community. The announcement followed extensive negotiations with Nyrstar. The agreement we reached provided this international company with the confidence that it needed to invest over half a billion dollars to replace the smelter in Port Pirie with state-of-the-art technology. Congratulations to the member for Frome on saving his community. This agreement required an innovative approach to industry assistance.

As part of the financing package, the South Australian government provided a third-party funding guarantee for about \$291 million of the total investment, with the risk management supported by EFIC. I am pleased to say that Nyrstar announced to its shareholders in Europe just last week that progress is continuing on this important project for regional South Australia.

I have been asked about the appropriateness of recent commentary about the arrangement with Nyrstar and, yes, recent comments by the member for Grey, Mr Rowan Ramsey MP, have been brought to my attention. Mr Ramsey is apparently of the view that it is 'highly likely' that the commonwealth's EFIC would have funded Nyrstar for the Port Pirie upgrade. That is simply not true—that is simply not true. I had Andrew Robb in my office telling me they were out, and apparently Rowan was running around telling everyone, 'No, no, no, they were in.' So, either the minister is right, or he is right.

I can speak with some certainty about this as someone who was involved intimately in the process of reaching an agreement with Nyrstar. I have met with the company, the local community, and industry experts, many, many times about this project, and I can say with the utmost certainty that Nyrstar's investment in Port Pirie would not have gone ahead without the hard work and dedication of the Minister for Regional Development, the member for Frome.

From day one, the member for Frome has advocated strongly for an outcome that secures not only the future of Port Pirie but also the future of the thousands of families that rely on Nyrstar's continued presence in South Australia for their livelihood. I can also say that the enthusiasm and support of the previous federal government in negotiating a positive outcome for Port Pirie was clearly not evident following the election of the Abbott government.

However, we persisted in our negotiations, and we reached a landmark agreement at a time when the commonwealth had turned its back on the project, just as they had turned their back on Holden and just as they are threatening to turn their back on Techport and our defence industry and a decision on the future of our submarine fleet.

As a result of our persistence, Nyrstar has been given the confidence to secure external lenders, with an assurance that their funding contribution is underwritten by the South Australian government. We achieved this not by directly funding the project but by providing certainty. Even now Liberal members ridicule this agreement. Yet when this government facilitates a major investment by an overseas company in the future of our state's resources sector, what do we hear from the commonwealth and some backbenchers from the opposition? Ridicule, derision, scorn and, for the local member who tirelessly worked to make this happen, they try and take away the credit from him—completely unfair. The prosperity of our state should be above petty politics.

NYRSTAR

Mr MARSHALL (Dunstan—Leader of the Opposition) (17:17): My supplementary is to the Minister for Regional Development. Does the minister concur with the sentiments of the Treasurer, who insists that this project would have only got up under a state Labor government?

The SPEAKER: That could be a rather hypothetical question but, anyway, Minister for Regional Development.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (17:18): Thank you, Mr Speaker, and as everybody knows on the other side, in discussions with both the Premier and the leader my number one priority was the Nyrstar transformation. I acknowledge that the opposition leader did a lot of work on that. However, at the moment, in *The Recorder* Mr Ramsey is saying that EFIC were close to a deal. That is not my information—

Members interjecting:

The SPEAKER: The Treasurer is called to order.

The Hon. G.G. BROCK: I acknowledge the work the Leader of the Opposition did leading up to it—he did lots of work talking to the minister involved. When we had the decision to form a government of the day, we have gone this way here and the deal has been done. There has been nothing coming back to me, as the member for Frome, saying that they would have accepted through EFIC, to my knowledge.

Mr Marshall: So Nyrstar instructed you to go with Labor.

The Hon. G.G. BROCK: Mr Speaker, I take that as a slur that Nyrstar have asked me to go with Labor. I really take that as a slur.

Mr Marshall: It's not a slur; I'm just asking the question.

The Hon. G.G. BROCK: That is a slur on an international company that is—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer is warned for the first time.

The Hon. G.G. BROCK: Mr Speaker, I feel as if I have explained my situation right from the start when I made the decision. There were 23 on the Labor side and 22 on the Liberal side. There had to be a decision made. I made a decision to form a minority government. I am up here as the member for Frome. I should not have to do this. The issue was we could not go into caretaker mode unless I had a guarantee. We had no guarantees to me in writing.

NYRSTAR

Mr WHETSTONE (Chaffey) (17:20): My question is to the Minister for Regional Development. As part of the government's agreement to underwrite the \$514 million upgrade at the Nyrstar lead smelter in Port Pirie, what guarantees were sought regarding South Australia sourcing labour and materials associated with the upgrade?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (17:20): Guarantees.

Mr Whetstone interjecting:

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

The Hon. A. KOUTSANTONIS: Mr Speaker, I have to say, given the trouble that the government went through to secure this guarantee—which should have been offered by the commonwealth because, quite frankly, the impact that Nyrstar has on our economy is larger than just South Australia. It is a global company based in Zurich that was investing in two states in the commonwealth, one in Tasmania and one in South Australia, and the investments were symbiotic. One does not last without the other.

The Liberal Party is now saying, 'Even though the commonwealth walked away and left you on your own, even though the Prime Minister was happy to see Nyrstar not reinvested in, what guarantees did you get on local investment?' How about you just say thank you rather than getting up and whingeing about an outcome you had absolutely nothing to do with? How dare you get up and try and criticise the government—not you, Mr Speaker: you would never criticise the government unless it was appropriate. I have to say, that question says more about the asker than the government.

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel is called to order and the Treasurer is warned for the second and final time.

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel is warned for rejoicing in the Treasurer being warned a second time. Member for Chaffey.

NYRSTAR

Mr WHETSTONE (Chaffey) (17:22): My question is again to the Minister for Regional Development. Did you, as the Minister for Regional Development, or the government, have any guarantees that the upgrade would use local employment, and will structural steel for the Nyrstar upgrade be procured within South Australian boundaries?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (17:23): Can you believe the front, Mr Speaker? Can you believe the front? They are actually questioning whether there is an economic benefit for underwriting Nyrstar's investment of over half a billion dollars in a regional community like Port Pirie. Let's work backwards. Let's say

there wasn't an underwriting of their investment. What would be happening in Port Pirie today? Mr Speaker, I've got to say: the front of that question is appalling.

Mr GARDNER: Point of order.

The SPEAKER: We are having such a good time.

Mr GARDNER: Nearly a minute in and he hasn't gone near the question will locals be employed and where will the structural steel come from.

The SPEAKER: Yes, he has gone near the question. He is beating it over the head with a cricket bat. The Treasurer.

The Hon. A. KOUTSANTONIS: I suspect the Liberal Party should get in their cars, drive to Port Pirie, speak to the local workers at the smelting plant and say to them, 'Are you South Australian? Do you live here? Do you shop locally? Do you live in Port Pirie?' They can go to the local deli and the local supermarkets and the local contractors who fund so much and survive off the back of Nyrstar and say to them, 'Do you deserve this investment? Are you local South Australians?' Really, Mr Speaker, half a billion dollar investment! This is why the Liberal Party cannot form a majority in this state, because they are so out of touch with business.

The SPEAKER: The Treasurer has finished. The member for Little Para.

MANUFACTURING SECTOR

Mr ODENWALDER (Little Para) (17:24): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the house about the challenges facing manufacturing in this state and any recent initiatives the government has taken to support the manufacturing sector?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for the Public Sector) (17:24): I thank the member for his question and obvious very keen interest as a member in the northern suburbs and, indeed, covering the Holden site at present. The manufacturing industry in this state faces some tremendous challenges, due in no little part to competition for imports and the historically strong Australian dollar, which fortunately is starting to come down a little.

The outlook for the automotive sector in particular faces extraordinary hardship as it prepares for the closure of the Holden plant at Elizabeth in 2017. If the relatively high dollar and heightened competition from imports were not enough to deal with on their own, the Australian Workplace Innovation and Social Research Centre report highlights the detrimental impact on our local industry from the 2014-15 federal budget measures. The WISeR report found that the demand-dampening decisions contained in the federal budget are likely to affect the potential for the national economy to grow.

While the federal government has partnered with South Australia, Victoria and GM to set aside \$155 million to assist industry to transition in the wake of the closures of Holden and Toyota, the WISeR report confirms that this level of assistance is not yet commensurate with the magnitude of the shock. In fact, the report points out that the commonwealth has pocketed \$833.5 million in savings from cutting assistance to the automotive industry, much more of which could have been earmarked to reduce the magnitude of the shock to South Australia, especially for those communities in the north that have relied for decades on the Holden plant at Elizabeth for jobs and a regular pay packet.

This government has long acknowledged that a difficult transition is required in South Australia if we are to ensure that this state continues to be a place where we make things. I recently attended the opening of the \$1.5 million Meridian Test Laboratory at Seeley International's headquarters in Lonsdale. Mr Seeley is a great South Australian and a role model for innovators who are willing to invest to commercialise their ideas, capture overseas markets and employ highly skilled South Australians.

Seeley International is also working closely with local educational institutions to drive innovation, with MOUs signed with Flinders University, UniSA and TAFE SA. The federal industry minister (Hon. Ian Macfarlane) took advantage of the occasion to launch a \$60 million Next Generation Manufacturing Investment Program. Last year, the state government launched its

\$60.1 million Our Jobs Plan to help cushion the blow to our economy that will inevitably fall when the last Australian-made Holden rolls off the assembly line. The Next Generation fund launched recently complements these efforts.

Our Jobs Plan targets both the workers who will be affected by the transition to other industries as well as the local firms that can no longer rely on providing components to car makers to sustain their businesses. South Australia has committed \$12 million to the Next Generation program that aims to encourage non-automotive manufacturers to invest in new machinery and equipment, modify existing plants to accommodate new machinery and train staff to use the new equipment.

South Australia is guaranteed \$30 million of the fund, which will be spent in this state to support local manufacturers. By supporting investment in innovation and new ways of making things, we hope the fund will create the new jobs that will provide work for many South Australians in the automotive sector who will be displaced by the looming closure of Holden's Elizabeth plant in 2017. South Australia does excel at advanced manufacturing, agribusiness, mineral resource and energy services, and the manufacture of medical equipment and devices. It is these strong areas of the economy we hope to bolster through the Next Generation fund.

Manufacturers can apply for grants from \$500,000 to \$5 million, with round 1 applications open until 9 January next year. I encourage members to inform any prospective businesses in their electorates to apply for a grant. This government has sought to embrace innovation as a pathway to a sustainable manufacturing sector. South Australia will be disproportionately and adversely affected by the federal budget, and the WISeR report confirms this. South Australia faces some significant economic challenges. Our ability to embrace new ways of doing things and adopting advanced technologies to build—

The SPEAKER: Point of order.

Mr PISONI: Sessional orders.

The SPEAKER: I uphold the point of order by the member for Unley.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Treasurer, if his lips move once more out of order, will be departing. It is no longer Ochi Day.

An honourable member: No longer what?—sorry, sir.

The SPEAKER: Ochi Day—'No' Day in Greece. The member for Goyder.

CLARE VALLEY WATER SUPPLY

Mr GRIFFITHS (Goyder) (17:29): My question is to the Minister for Regional Development. Can the minister outline when the government will deliver on your requirement, as stipulated in your agreement with the Premier, for water requirement relief to be provided to the Clare Region Winegrape Growers Association members?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (17:30): The member did not also mention that we had a meeting this morning at 11 o'clock, and I went through all the projects that were on that list. I gave an undertaking to the member for Goyder that I will give him a briefing on the progress of all of those projects. Mr Speaker, I will repeat what I said to the member for Goyder: there have been negotiations between the Clare Region Winegrape Growers Association Inc. and—

Members interjecting:

The Hon. G.G. BROCK: As I mentioned to the member for Goyder this morning, the new Chair of the grape growers association, Anna Behm, has been meeting with SA Water for some time now. They are very close to coming to a compromise and, as I mentioned to the member for Goyder, that resolution should be very close, within the next few days or weeks. I am in regular contact with the grape growers association and the relevant minister to carry that request through the process,

who is the Hon. Ian Hunter in the other house. I will continue to liaise with the grape growers association.

CLARE VALLEY WATER SUPPLY

Mr GRIFFITHS (Goyder) (17:31): My question is again to the Minister for Regional Development. Why did the minister say on 12 November last year, in relation to the Minister for Water, the Hon. Ian Hunter MLC, that he considered 'the lack of understanding by the minister very disturbing'?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (17:32): Can I ask the member for Goyder to elaborate on that because, if he said 12 November last year, I would have to check. Can the member further elaborate, otherwise I will need to take that on notice to get the *Hansard*.

Mr GRIFFITHS: In providing some supplementary comments to the minister: if he reflected upon his own press release of 12 November, it relates to where he talks about water costs to the Clare Valley grape growers and the requests that you put through to minister Hunter.

The SPEAKER: Sorry; what was that contribution?

An honourable member: A further supplementary, sir.

The SPEAKER: That was a supplementary?

Mr GRIFFITHS: The minister sought additional details from me, so I provided it to him.

The Hon. G.G. BROCK: Mr Speaker, I will take that on notice and get back to the member.

MURRAY RIVER FUNDING

Mr GRIFFITHS (Goyder) (17:32): My question is again to the Minister for Regional Development. Why was \$2 million a year from the Save the River Murray Fund, which was previously, as I understand it, legislatively required to be administered by the Minister for the River Murray, now being transferred to Regions SA?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (17:33): I thank the member for Goyder for that question. As part of the agreement, there were certain funds coming out, so much on P&D, so much for tourism to spend in the regions and also for the River Murray. I will get the correct information for the member for Goyder.

The SPEAKER: Supplementary, member for Goyder.

MURRAY RIVER FUNDING

Mr GRIFFITHS (Goyder) (17:33): I seek clarification of the response and detail the minister will give, because on what basis can \$2 million a year from the Save the River Murray Fund be transferred to Regions SA, given that section 94(4) of the Water Industry Act 2012 states specifically that these funds must be used on River Murray-related projects?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for the Public Sector) (17:34): These questions clearly pertain to the minister in another place, and I will take them on his behalf and seek to bring back an answer.

CUCUMBER GREEN MOTTLE MOSAIC VIRUS

The Hon. T.R. KENYON (Newland) (17:34): My question is to the Minister for Agriculture, Food and Fisheries. Minister, what preparations is the government undertaking as a result of the recent outbreak in the Northern Territory of the cucumber green mottle mosaic virus and is there another type of green mottle mosaic virus?

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) (17:34): I thank the member for the question. I was out at the produce markets at Pooraka at 5 o'clock this morning. It is an issue that is of major concern to people out there. The Northern

Territory Minister for Primary Industry and Fisheries, the Hon. Willem Westra van Holthe, has written to me with an update on the cucumber green mottle mosaic virus affecting some fruits and vegetables. This disease is highly contagious and has been detected in the Northern Territory. This is the first detection of the disease in Australia.

The virus does not cause human illness from consumption of infected hosts. The host range of the strain in the Northern Territory is not yet clear; however, strains of this virus are known to infect most, if not all, cucurbits, which include cucumber, melons, zucchini, pumpkin, squash, bitter melon and bottle gourd. There are a range of symptoms, and severity can vary greatly between different varieties. Symptoms may include wilting and death of all or part of the plant, and infected fruit may be unsaleable. The virus is commonly transmitted when uninfected plants come into contact with infected plant debris, or contaminated machinery or equipment. It may also be transmitted from contaminated soil and water, infected seed, transplants, root stock and contaminated packing material.

The Northern Territory government has declared quarantine zones in areas around Katherine and Darwin following detection of the virus. Nine commercial watermelon farms there have been placed under quarantine and three more suspect farms have also been quarantined. I am informed that all known commercial watermelon farmers in the Northern Territory have been alerted to this detection and of the seriousness of this disease.

In South Australia, the government is putting measures in place to ensure we do not get this virus here and to address the risk of movement of affected fruit and vegetables. These measures include listing the disease as a regulated plant pest to enable entry restrictions to be established. Some watermelons from Northern Territory arrived in South Australia a few days before the quarantine restrictions were announced. Biosecurity SA has placed a hold on these watermelons while they are tested for the virus. If tests are positive, consignments will either be returned to the Northern Territory or destroyed appropriately. This will occur in consultation with the owners of the produce.

Meanwhile, the Australian government Department of Agriculture has imposed emergency measures on cucurbit host seeds, tissue cultures and nursery stock to prevent further entry of the cucumber green mottle mosaic virus to Australia. Australia imports large quantities of cucurbit seed for commercial production—

An honourable member interjecting:

The Hon. L.W.K. BIGNELL: Yes, cucurbit—my favourite seed. Under the new arrangements, only seed that has been tested and found free of the virus will be allowed entry into Australia. Imports of tissue cultures and nursery stock have been suspended until further notice. No export markets have changed import requirements. The Australian government Department of Agriculture is certifying product for export as normal, excluding gazetted quarantine areas, based on advice from the Northern Territory government. Although South Australia does not grow a lot of watermelons, we have significant production of other cucurbit crops such as cucumbers and pumpkins.

Mr Whetstone: Cucurbits.

The Hon. L.W.K. BIGNELL: Cucurbits—thank you very much, member for Chaffey, the George Donikian of the house. I thank you. We produce approximately \$68 million per annum of cucumbers here in South Australia, and South Australian growers are urged to inspect their crops regularly for the virus as symptoms can develop rapidly. Good biosecurity practices are essential to prevent this virus getting into South Australia and onto farms. This means not allowing vehicles, equipment and machinery to move between farms without being thoroughly cleaned and disinfected.

The SPEAKER: I am afraid the minister's time has expired.

MARINE PARKS

Mr GRIFFITHS (Goyder) (17:38): My question is to the Minister for Regional Development. Can the minister advise why he went against the commitment that he made on marine parks and sanctuary zones when at a public meeting at Port Wakefield—

The Hon. A. KOUTSANTONIS: Point of order, sir. I understand reflections on the vote of the house are out of order.

The SPEAKER: They are. They are out of order. You cannot reflect on a vote of the house in the same session. Try another.

JUSTICENET SA

The Hon. S.W. KEY (Ashford) (17:39): My question is directed to the Attorney-General. Attorney, can you provide an update about JusticeNet and activities to celebrate its fifth anniversary of operation?

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) (17:39): I am able to provide some information, as it turns out, about JusticeNet. On 24 October, I had the honour of attending the fifth birthday celebration of JusticeNet SA. As many members of the house will be aware, JusticeNet provides pro bono legal assistance for low income and disadvantaged South Australians who would not otherwise be able to access the civil justice system.

JusticeNet also provides assistance to charitable and community organisations. This allows such organisations to focus their limited resources on core service delivery. Since its inception, JusticeNet has developed a reputation for providing legal services to low income earners who are at risk of falling through the gap in existing legal service delivery. JusticeNet has been active in its own fundraising, with an annual Walk for Justice, now a staple for the South Australian legal calendar. I have to say that I have been on that several times myself and it is quite exhilarating, except when it rains.

Many of South Australia's pre-eminent law firms now take on pro bono matters referred by JusticeNet. This ensures that members of our community who would not otherwise be able to afford it are getting the best legal assistance available. The celebration was a lively affair, held in Published ArtHouse, a place I had not been to before, but a very exciting little venue.

Mr Gardner: MCs Anthony Durkin and Alex Ward?

The Hon. J.R. RAU: It is a very nice little venue, and Mr Ward was there.

Ms Redmond: And Mr Durkin, don't forget Mr Durkin.

The Hon. J.R. RAU: Indeed.

Members interjecting:

The SPEAKER: Not caught again, Deputy Premier.

The Hon. J.R. RAU: Not at all. I do have a question, a matter of clarification, Mr Speaker: is clairvoyance disorderly? Let me go on. It was a lively affair, as I said, in the Published ArtHouse, which is a place I had not previously been to. It is very good. It had food trucks, jazz bands and DJs keeping the crowd entertained. The large turnout was a testament to the standing that JusticeNet has within the South Australian community, with judges, barristers, including Mr Ward—yes, correct—

Ms Redmond: And Mr Durkin.

The Hon. J.R. RAU: —and Mr Durkin. Both Ward and Durkin were there, and both Ward and Durkin are barristers. They were there, yes, as were MPs and members of the legal profession generally, a great number of them.

I would like to acknowledge the hard work of JusticeNet's executive director, Mr Tim Graham, for his efforts in establishing JusticeNet and his continued passion for providing access to justice for disadvantaged members of our community. I would also like to acknowledge the hardworking staff of JusticeNet in Elizabeth Boxall, Claire Benn, Kate Denton, Kate Chapley and Louise Young. It was an honour to attend the fifth birthday celebrations, and I am confident that JusticeNet will continue to assist the South Australian community into the future.

REGIONAL DEVELOPMENT PORTFOLIO

Mr GRIFFITHS (Goyder) (17:43): My question is to the Minister for Regional Development. Does the minister accept that at a public meeting at Port Wakefield on 23 February 2014 he said, 'The locals know, not the politicians, not the bureaucrats in Adelaide. They have no idea,' and further went on to say, 'I congratulate you and I think keep protesting, writing your letters. There is an election coming up, so make certain you get your voice heard. You're the voice, you're the people we've got to listen to, so you're the ones who should be putting the pressure on all candidates, including—

The SPEAKER: The question is, I think, out of order because the minister is not responsible to the house for what he may have said before he was a minister. Member for Florey.

HOUSING SA

Ms BEDFORD (Florey) (17:43): My question is to the Minister for Social Housing. What initiatives or programs are being undertaken to help reduce energy costs for Housing SA tenants?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for Multicultural Affairs, Minister for Ageing, Minister for Youth, Minister for Volunteers) (17:43): I thank the member for Florey for this important question. Housing SA properties are allocated to customers based on their demonstrated needs and are prioritised to those people and families who are either homeless or at risk of homelessness. These are people who are particularly vulnerable to cost of living pressures. The state government is aware of this and is committed to improving the lives of our most disadvantaged citizens.

Previous studies have shown that hot water accounts for 40 per cent of the total energy use in public housing dwellings. Further to this, the replacement of electric hot water systems with solar hot water systems has been found to reduce total household electricity use by approximately 30 per cent and, in turn, also reduces carbon dioxide emissions by approximately two tonnes per annum.

With a view to extending the benefits of lower utility costs to people living in social housing, the state government has committed to replacing 1,000 LPG gas and electric hot water systems on larger family homes with solar hot water systems. Housing SA has already consulted with its contracted hot water system supplier and has confirmed its ability to supply 1,000 solar hot water gas or electric-boosted systems. This will assist tenants to reduce their energy bills and greenhouse gas emissions and, importantly, will provide a means of reducing cost of living. Housing SA has already commenced work by identifying properties suitable for the solar hot water systems and has developed a project plan to arrange for the installation of the units through its multitrade contractors.

The aim of the project plan is to prioritise tenants currently using LPG bottled gas hot water services first, followed by tenants in properties with electric hot water systems which were installed prior to 2010. I am advised that tenants in the identified properties will be able to register their interest to participate in the program. This project was a commitment made by the state government during the 2014 election campaign and I am delighted to stand before members today to confirm that work is well underway.

PRISONER NUMBERS

Mr GARDNER (Morialta) (17:46): My question is to the Minister for Correctional Services. Is it the case that the prerelease centre, a department of corrections facility with an approved capacity of some 60 beds, has seen more than 100 prisoners held during this week, with beds even being set up in bathroom areas?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:46): I thank the honourable member for his question. I will get those details for him to confirm or not.

PRISONER NUMBERS

Mr GARDNER (Morialta) (17:46): Supplementary: while the minister is doing that perhaps he can answer this now. Has staffing at the prerelease centre seen extraordinary levels of staff overtime being required due to a shortage of qualified people relative to prisoner numbers?

The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:47): I thank the honourable member for the question. Part of that question presupposes an answer to the first question, so I will leave that part given that I did not give an answer to that question. The second part was that in terms of the day-to-day operations I will need to get details. I don't check—

An honourable member interjecting:

The Hon. A. PICCOLO: In your words. I don't get the daily overtime rates from the CEO, so I will confirm those details for you.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament members of the student executive from Wilderness School, who are guests of the member for Flinders.

Question Time

MURRAY-DARLING BASIN REGIONAL ECONOMIC DIVERSIFICATION PROGRAM

Mr WHETSTONE (Chaffey) (17:47): My question is to the Minister for Regional Development. Does the minister believe the government should immediately access the Murray-Darling Basin Economic Diversification Program?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for the Public Sector) (17:48): I will take that question on notice for the relevant minister.

Mr WHETSTONE: I asked a question of the Minister for Regional Development.

The SPEAKER: The member for Chaffey can leave the house for the next half hour because that was highly disorderly. Any minister can answer any question.

The honourable member for Chaffey having withdrawn from the chamber:

NURSE STAFFING LEVELS

Dr McFETRIDGE (Morphett) (17:48): My question is to the Minister for Health. When will the minister honour the government's election promise to provide South Australians with four full-time Parkinson's nurses?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (17:48): As soon as we can recruit and train them.

MARINE PARKS

Mr GRIFFITHS (Goyder) (17:48): Again, to the Minister for Regional Development. Why is it that the minister did not seek to have a regional impact statement undertaken on the government's marine parks prior to 1 October and the implementation of the sanctuary zones?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (17:49): I think I have mentioned this in my speech before, that I had lots of people come to me who could not prove to me that there was anything to do from the reports, the RIAs, that were done previously. Part of going forward was to actually have a regional impact assessment statement done on those three zones, being Ceduna, Port Wakefield and KI. They are in conjunction with each other so we can see the actual effect, if there is an effect there, but at the same time look at opportunities for future growth and value-added industries.

*Bills***STATUTES AMENDMENT (SACAT) BILL***Final Stages*

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Long title—After 'the *Intervention Orders (Prevention of Abuse) Act 2009*;' insert:

the *Local Government Act 1999*;

No. 2. Long title—Delete 'and the *South Australian Housing Trust Act 1995*' and substitute:

; the *South Australian Housing Trust Act 1995* and the *Valuation of Land Act 1971*

No. 3. Clause 2, page 8, line 5—Delete 'This' and substitute: 'Subject to subsection (2), this'

No. 4. Clause 2, page 8, after line 5—Insert:

(2) Parts 9A and 17 will come into operation on 29 March 2015.

No. 5. Clause 98, page 36, line 16—After '(and' insert: ', subject to subsection (11),'

No. 6. Clause 98, page 36, after line 17—Insert:

(11) The termination of a contract of employment under subsection (10) does not affect any right of action that a person employed under the contract may have against a Minister or the State on account of that termination, being a right that relates to the payment of compensation on account of the early termination of the contract.

(12) Subsection (11) does not apply in relation to a person who, on the commencement of this subsection, has been appointed as a member of the Tribunal.

No. 7. Page 36, after line 22—Insert:

Part 9A—Amendment of *Local Government Act 1999*

99A—Amendment of section 4—Interpretation

Section 4(1)—After the definition of *rubbish* insert:

SACAT means the *South Australian Civil and Administrative Tribunal* established under the *South Australian Civil and Administrative Tribunal Act 2013*;

99B—Amendment of section 169—Objections to valuations made by council

(1) Section 169(1)(b)—Delete paragraph (b) and substitute:

(b) apply to SACAT for a review of the valuation.

(2) Section 169(15)—delete subsection (15) and substitute:

(15) If an objector, or the council, is dissatisfied with the valuation after the further review, the objector or the council may apply to SACAT for a review of the valuation.

(15a) In connection with the operation of subsections (1)(b) and (15)—

(a) an application for a review by SACAT must be made—

(i) in the case of an application under subsection (1)(b)—within 60 days after the date of service of the notice of the valuation to which the application relates (unless SACAT, in its discretion, allows an extension of time for making the application); or

(ii) in the case of an application under subsection (15)—within 21 days after the applicant receives notice of the valuation on the review (unless SACAT, in its discretion, allows an extension of time for making the application); and

(b) a review by SACAT under this section will be taken to come within SACAT's review jurisdiction but, in the exercise of this jurisdiction, SACAT will consider the matter *de novo* (adopting such processes and

procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings); and

- (c) without limitation, a variation made by SACAT on the review of a valuation may consist of an increase or decrease in the valuation.

99C—Amendment of section 186—Recovery of rates not affected by an objection, review or appeal

Section 186(1)(a)—Delete ', review or appeal' and substitute: 'or review'

99D—Amendment of section 296—Reclamation of land

(1) Section 296(4)—Delete 'or appeal against' and substitute: 'or seek a review of'

(2) Section 296(5)—Delete 'appeal' first occurring and substitute: 'review'

(3) Section 296(5)—delete 'appeal against' and substitute: 'review of'

99E—Transitional provisions

(1) In this section—

principal Act means the *Local Government Act 1999*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal.

(2) A right of appeal to the Land and Valuation Court under section 169 or 296 of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Land and Valuation Court.

(3) Nothing in this section affects any proceedings before the Land and Valuation Court commenced before the relevant day.

No. 8. Clause 122, page 42, lines 20 to 39—Delete section 84

No. 9. Clause 122, page 43, after line 18—Insert:

85AA—Constitution of Tribunal

The Tribunal must be constituted by 3 members for the purposes of proceedings under the following sections:

(a) section 16;

(b) section 29;

(c) section 79;

(d) section 81.

No. 10. Clause 122, page 43, after line 33—Insert:

or

(c) in the case of designated proceedings—counsel under subsection (1a).

No. 11. Clause 122, page 43, after line 33—Insert:

(1a) If a person chooses to be represented by counsel in designated proceedings under this subsection, he or she is entitled to be represented by a legal practitioner provided pursuant to a scheme established by the Minister for the purposes of this subsection, being a legal practitioner—

(a) chosen by the person himself or herself; or

(b) in default of the person making a choice, chosen by such person or authority as the scheme contemplates.

(1b) A legal practitioner (not being an employee of the Crown or a statutory authority) who represents a person under subsection (1a) is entitled to receive fees for his or her services from the Minister, in accordance with a prescribed scale, and cannot demand or receive from any other person any further fee for those services.

No. 12. Clause 122, page 43, after line 36—Insert:

designated proceedings means proceedings before the Tribunal under the following provisions:

- (a) section 16;
- (b) section 29;
- (c) Part 11;

No. 13. Clause 181, page 57, line 17—After '(and' insert: ', subject to subsection (8a),'

No. 14. Clause 181, page 57, after line 18—Insert:

- (8a) The termination of a contract of employment under subsection (8) does not affect any right of action that a person employed under the contract may have against a Minister or the State on account of that termination, being a right that relates to the payment of compensation on account of the early termination of the contract.
- (8b) Subsection (8a) does not apply in relation to a person who, on the commencement of this subsection, has been appointed as a member of the South Australian Civil and Administrative Tribunal.

No. 15. Page 60, after line 10—Insert:

187A—Amendment of section 8—Main objectives of Tribunal

Section 8—after its present contents (now to be designated as subsection (1)) insert:

- (2) In connection with the conferral and exercise of its jurisdiction the Tribunal should, in relation to these objectives, consult from time to time with such agencies, organisations or bodies as it thinks appropriate.

No. 16. Clause 203, page 65, line 37—After '(and' insert: ', subject to subsection (8),'

No. 17. Clause 203, page 65, after line 38—Insert:

- (8) The termination of a contract of employment under subsection (7) does not affect any right of action that a person employed under the contract may have against a Minister or the State on account of that termination, being a right that relates to the payment of compensation on account of the early termination of the contract.
- (9) Subsection (8) does not apply in relation to a person who, on the commencement of this subsection, has been appointed as a member of the Tribunal.

No. 18. Page 65, after line 38—Insert:

Part 17—Amendment of *Valuation of Land Act 1971*

204—Amendment of section 17—Valuation on request

Section 17(3)—Delete 'and appeal against' and substitute: 'against and review of'

205—Substitution of heading to Part 4

Heading to Part 4—Delete the heading and substitute: 'Part 4—Objections and reviews'

206—Amendment of section 25B—Review by valuer

Section 25B(1)—After 'review of the valuation' insert: 'in accordance with this section'

207—Substitution of heading to Part 4 Division 3

Heading to Part 4 Division 3—Delete the heading and substitute:

Division 3—Review by SACAT

208—Amendment of section 25C—Review by SACAT

- (1) Section 25C(1)—Delete ', in accordance with the appropriate rules of the Supreme Court, appeal to the Land and Valuation Court against' and substitute:
 - apply to SACAT for a review of
- (2) Section 25C(2)—Delete 'appeal' and substitute: 'review'
- (3) Section 25C(3)—Delete subsection (3) and substitute:
 - (3) For the purposes of the *South Australian Civil and Administrative Tribunal Act 2013*—
 - (a) an application for a review by SACAT must be made within 21 days after the applicant receives notice of the relevant

decision (unless SACAT, in its discretion, allows an extension of time for making the application); and

- (b) a review under this section will be taken to come within SACAT's review jurisdiction but, in the exercise of this jurisdiction, SACAT will consider the matter de novo (adopting such processes and procedures, and considering and receiving such evidence or material, as it thinks fit for the purposes of the proceedings); and
- (c) without limitation, a variation made by SACAT on the review of a valuation may consist of an increase or decrease in the valuation.

- (4) In this section—

SACAT means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

209—Amendment of section 25D—Saving provision

Section 25D—Delete ', review or appeal' and substitute: 'or review'

210—Transitional provisions

- (1) In this section—

principal Act means the *Valuation of Land Act 1971*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal.

- (2) A right of appeal to the Land and Valuation Court under section 25C of the principal Act in existence before the relevant day (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Land and Valuation Court.
- (3) Nothing in this section affects any proceedings before the Land and Valuation Court commenced before the relevant day.

LOCAL GOVERNMENT (GOVERNANCE) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

Sitting extended beyond 18:00 on motion of Hon. G.G. Brock.

Grievance Debate

SPEED LIMITS

Mr PEDERICK (Hammond) (17:52): I rise today to speak about speed limits and safe access on the South Eastern Freeway into the city of Adelaide; in particular, the section of road from Stirling to Glen Osmond. We have recently seen some horrendous accidents on this section of the road which have seen innocent people's lives taken and destroyed. This subject is very close to my heart, because not only do I use this road repeatedly, as do many of my constituents, but I also personally know some of the people who have been involved in these accidents.

I was pleased to attend the current South Eastern Freeway community session that was held last weekend, the information session held at Stirling. At that session I collected documents containing the options that are being looked into in regard to safe descent of the downhill slope of the freeway into Adelaide, and I want to comment about the top 10 options out of 22 in regard to safe access of heavy vehicles into the city.

Option 1 which is being investigated—and this is after consultation; finally we have some consultation between the government and the heavy vehicle operators—is greater awareness of Australian Road Rule 108, which requires a truck to use a gear that is low enough to limit the speed of the truck without the use of the primary brake. This is so true, and it is common knowledge amongst

any truck driver worth their salt that the gear you select to go up a hill is the same gear you select to go down the hill. That needs to be implemented so that you do not need to use the primary brakes.

Option 2 is to implement further speed limit reductions, which would be 40 km/h for trucks and 80 km/h for light vehicles. I am not so sure about bringing the 90 down to 80 for light vehicles, but in regard to the 40 km/h for heavy vehicles coming down the freeway into Adelaide I certainly have some sympathy for that proposal. I note that the Great Eastern Highway in Western Australia, which has a similar gradient as the freeway entrance into Adelaide of 7 per cent, has a 40 km/h speed limit for trucks. There is also the Princes Highway between Sydney and Wollongong, where the descent into Wollongong has a 40 km/h speed limit for heavy vehicles. I had an ex-truckie speak to me about something he witnessed on that road before that speed limit came in. There was no Armco between the opposing lanes of traffic, and he witnessed an horrific accident where a truck veered over to the other side and killed about five people.

I then refer to option 3, improving signage. Signage has partly improved on the freeway, but I think there can be even more signs stressing the need for drivers to use a low gear to safely access the entry into the city. Option 4 promotes the arrester bed use and busting the myths. I think there needs to be major education program around arrester beds. There are two there that have proven on multiple occasions that they can work. There are some stories in the industry that it costs \$10,000 to get pulled out of an arrester bed. I am told that to get pulled straight out of an arrester bed and be taken to Regency Park for a roadworthy test it costs about \$3,000.

Option 5 is for the Tollgate intersection upgrade for the intersection of Cross Road, Portrush Road and Glen Osmond Road and the South Eastern Freeway. Also, incorporating that, there should be the option of a hook turn, as the buses do in front of Parliament House when they come out from King William Street onto North Terrace, so that trucks can turn right from the left-hand lane. I certainly think that is something worth investigating. I have at times driven trucks here, and trying to get into the right-hand lane to turn into Portrush Road is just about impossible because people do not let you in even though you may have indicated for 1½ kilometres.

Option 6 is for an in-depth investigation to understand the decision-making of heavy vehicle drivers. I think the more education citizens have the better off we will all be. Option 7 covers the cost of removal from an arrester bed or charging a standard fee. The government has stated clearly that it will not cover those costs, but I think education about fees and perhaps standardisation certainly need to be looked at.

Option 8 introduces a road worthiness component into the heavy vehicle chain of responsibility. It is not there now, but I think it is certainly something that can be included. Option 9 is for a third arrester bed, which the Minister for Road Safety initially said was not possible. I think it should be looked into, and I think there could be room made on the left. Steve Shearer indicated that it could be placed in the centre of the road, but I think that would have its own problems. Option 10 is for annual heavy vehicle roadworthiness inspections, which could be a vital asset in making our roads safer for everybody's entrance into the city. I think a lot of work needs to be done on this because we have seen some horrific accidents. Let's see if we can get the right outcomes so that the safety of people entering Adelaide from the South-East is assured.

MODBURY SPECIAL SCHOOL

Ms BEDFORD (Florey) (17:57): Excellence in education happens every day at Modbury Special School and all schools throughout Florey and this great state. In the lead-up to International Teachers Day, I want to speak about the importance of great teachers and how lucky we are to have dedicated teachers in our schools in South Australia. Each year for the past four years the Department for Education has promoted an Excellence in Public Education Awards scheme. This year, 64 finalists, short-listed from 96 first stage winners, who were selected from 1,900 nominations from all around South Australia, were announced in August prior to the gala presentation dinner held at the National Wine Centre on 29 September.

Apart from the significant acknowledgement of excellence in their profession, finalists receive \$500 towards professional development and the winners receive an additional \$10,000 for further development for themselves and others in their particular school or field. The 2014 winners include: the School/Preschool Leader of the Year is Lyn Bretag from Renmark Primary School; the

Secondary School Teacher of the Year is Ben Heathcote from Mt Gambier High School; the Early Years Teacher of the Year is Katie Taylor from Lobethal Community Kindergarten; the Teachers' Health Fund Early Career Teacher of the Year is Sam Moyle from Brighton Secondary School, and her interest is the important discipline of science; the School/Preschool Support Staff Member of the Year is Tanya Parker from Roxby Downs Kindergarten; and most important for me is the Primary School Teacher of the Year Swati Phatak from Modbury Special School, which is an outstanding facility in the electorate of Florey, arguably one of the best centres in the country. In the citation we are advised, and I quote:

Swati demonstrates her commitment to ongoing learning through the attainment of extensive educational qualifications including a double Bachelors degree (Science and Education), a double Masters Degree (Education and Special Education), and her current work towards a Ph.D.

Her understanding of student learning empowers her to differentiate the curriculum, teaching strategies, assessment and reporting to suit individual needs. Swati has developed productive and inclusive learning environments across Modbury Special School by reviewing and utilising innovative strategies to support inclusion and student engagement. In 2013 Swati was selected to represent DECD at the Special Educators as Leaders and Learners (SELL) conference in Malaysia. At the four-day conference she delivered professional training about working with students with autism spectrum disorder to more than 170 participants.

At Modbury Special School the educational program is in accordance with the DECD South Australian Curriculum Standards and Accountability Framework. Communication, self and social development, design and technology, understanding diversity, understanding our world, arts and creativity, and health and physical development are the initial learning areas. These are followed by English, mathematics, science, design and technology, arts, society and environment, and health and physical education.

The curriculum is planned in accordance with the Disability Standards for Education 2005. The Australian curriculum is used to meet the learning needs of all students. Appropriate educational, instructional and environmental adjustments are made to support each child. Modbury Special School reports against personalised learning goals developed during each child's negotiated education plan meeting.

At Modbury Special School we recognise that each student has individual needs and abilities. In every classroom the learning environment and curriculum are personalised to suit the individual student. Incorporating explicit sensory processing and communication strategies to support students to effectively engage in the curriculum is a major focus. Each unit looks and operates quite distinctly from the others as the staff plan to meet the needs of the students. Teaching staff are supported by strong parent involvement, especially on the governing council, and there are some great fundraising activities supporting school activities.

In my time as a state MP I have watched Modbury Special School become a centre of learning excellence through the endeavours of principals such as Julie Aschberger and Cam Wright and their staff. I am so very proud of the achievements of the school and those of the students who have passed through it and gone on to learn at other facilities and, in some cases, gain employment. Each year there is a special ceremony and dinner to mark the graduation of students to this next phase of their lives, and it has been my honour to provide awards and to be present at the awards night to mark the achievements of students in front of their proud families who also deserve a special mention for their years of support for their children.

The Modbury Kiwanis, led by current president, Graham Brown, and secretary, Bob Culshaw, have become a special partner to the school, and through the help of International Cycles owned by Julie Caust (a parent and leader at the nearby Modbury High School) and her husband supplying parts, the bikes at the Modbury Special School remain operational for students. These repairs can sometimes be very difficult—and they happen regularly—and I am very grateful for the assistance of the Kiwanis in this part of the school's activities. It has also had support from parents and the wider school community of the nearby Modbury South Primary School.

The school has had its fair share of adversity. Some years ago a fire presented special challenges which were overcome in much the same way as all difficulties are challenged at this special place of learning. The Modbury Special School has worked diligently to maintain high standards and deserves every accolade. Autism is one area of particular focus for the Modbury Special School, and I look forward to discussing with them a recent USA study that I have

read about in *The Advertiser* which has found that broccoli contains a chemical which may assist in helping children with autism.

CAMPBELLTOWN SES

Mr TARZIA (Hartley) (18:02): Often our volunteers do not get the recognition they deserve in our community. Today, I speak in particular of one organisation which has recently done a fantastic job: the Campbelltown SES unit. I rise in this place to congratulate the tireless, diligent, hardworking Campbelltown SES for their continuous work in serving not only my local community in the north-east, but also communities elsewhere.

The Campbelltown SES is located just up the road from my office on Montacute Road, and it commands the north-eastern command area. In particular, I want to draw the attention of the house to a letter that was forwarded to me from Mrs Janet Munro, the Chair of the Campbelltown Uniting Church. Recently, there was an accident at that church on Lower North East Road, and the Reverend Douglas Monaghan also passed on a letter to the Chief Officer of the SES, Mr Beattie. The letter describes a vehicle collision that occurred while a vehicle struck the wall outside the church earlier in October. If you go past that church and look at the wall you will see that it is quite durable, and it was quite some collision.

Mrs Munro and Reverend Monaghan reported that two SES vehicles and six workers were on the scene almost immediately upon hearing about the crash. SES workers were at the site, I understand, for over five hours, and set about quickly restoring order on what is a very busy road. Quick and accurate decisions were made by the SES workers about the safety of the affected wall, and they undertook appropriate actions to secure the site until architects were on site to secure the wall. The business of the church was allowed to go on within a short space of time. I understand that it is a mere fraction of the work that this and other SES groups engage in on an annual basis, but it is just an excellent example of cooperative community spirit, especially within the Campbelltown community.

I understand that there are more than 1,600 SES volunteers across South Australia, and I am sure in many of our electorates, comprising of some 67 units. Obviously, they assist in the clean-up of areas in disaster zones after floods and bushfires, and they also regularly assist the police with searches, as well as many other operational activities. I want to sincerely congratulate each one of those members of the SES in Campbelltown who responded that day. They are a credit to the community and to themselves.

It is very important that we, as members of this place, continue to support this important state institution and provide them with every financial and logistical support we can that they may require to support our emergency recoveries in South Australia. The SES is an extremely important service to South Australians and I do not think we can thank enough all the workers and volunteers who selflessly devote their time to improving safety in the community. I encourage all members to continue to support the SES and other emergency services across the state.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE

The DEPUTY SPEAKER (18:06): I advise the house that the Speaker received written notification earlier today of the resignation of the member for Davenport from the Economic and Finance Committee, effective immediately.

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (18:06): I move, by leave:

That Mr Speirs be appointed to the committee in place of the Hon. I.F. Evans (resigned).

Motion carried.

At 18:07 the house adjourned until Thursday 30 October 2014 at 10:30.