

## HOUSE OF ASSEMBLY

Thursday, 26 February 2015

The **SPEAKER (Hon. M.J. Atkinson)** took the chair at 10:30 and read prayers.

### *Bills*

#### **STATUTES AMENDMENT (RIGHTS OF FOSTER PARENTS AND GUARDIANS) BILL**

##### *Introduction and First Reading*

**Mr PEDERICK (Hammond) (10:32):** Obtained leave and introduced a bill for an act to amend the Births, Deaths and Marriages Registration Act 1996 and the Family and Community Services Act 1972. Read a first time.

##### *Second Reading*

**Mr PEDERICK (Hammond) (10:33):** I move:

That this bill be now read a second time.

This is a bill that is the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015, colloquially known as 'Finn's Law'. This is a new bill with some slight changes in it to my 2014 bill in relation to this particular aim at changing the legislation.

My first contact with Monica Perrett was when I learnt that she had won the Barnardos Mother of the Year Award for 2014. I was extremely delighted to learn that Mrs Perrett, a well-deserved mother in the electorate of Hammond, had received such a prestigious award. Monica's award symbolises the efforts of a caring, nurturing mother of not only her own biological children, but also those she has chosen to foster, including little Finn—now deceased—and also her granddaughter. This is a very moving award and is recognition that Monica, a foster parent and mother, was being recognised for her efforts.

Monica Perrett is a mum to six children and has been a carer for the aged and disabled for over 12 years. She is also an active donor to a variety of different charities, especially those working with children or those whose lives are less fortunate. She is also a crusader for people who are unable to speak for themselves, and almost single-handedly brought down a nursing home for severe abuse of the elderly.

Little Finn—who Monica fostered in 2014—was, in fact, her nephew. However, in Monica's eyes he was nothing less than her own son. Finn's biological parents allowed Ms Monica Perrett to become little Finn's carer until he turned the age of 18 years under the guardianship of the minister. When little Finn was born he was diagnosed with numerous medical conditions, including spina bifida, fluid on the brain and a hole in the heart.

Finn was born in February 2014, and entered Monica's care in March 2014 under the guardianship of the minister until the age of 18 years, and under the 100 per cent care of Monica and her husband. In April 2014 Monica Perrett won the Barnardos Mother of the Year Award in South Australia, and in May 2014 Ms Perrett kisses Finn goodbye to fly to Sydney for the 2014 National Mother of the Year Award, and heartbreakingly 12 hours later little Finn passed away, unexpectedly, after an emergency admission into hospital.

There is nothing I can imagine that would ease the pain of a mother or foster parent losing her baby. However, on 7 May 2014 this pain was of the worst kind, with the Perretts not being given the opportunity to say goodbye to their little Finn. In many cases the foster parents have been a huge part of a child's life. The current legislation states that only the biological parents are provided with the rights of the child, including details such as reason for passing and funeral arrangements.

When dealing with Families South Australia, Ms Perrett was denied any information about her foster son, Finn, passing, with the reason given that she was not Finn's biological mother. She was also advised that, although she was granted the right to be the foster parent of little Finn until

the age of 18 years, she would not be involved in the funeral arrangements unless the biological parents, her brother and his partner, wanted her to be.

Initially this was not the case, as the biological parents, who lived in Queensland of no fixed address, denied this, and again you can only imagine what Monica and her husband had to go through for the right to understand the cause of death, any funeral arrangements and the right to say goodbye.

Currently when a foster child passes away all the rights of the foster parent or parents had with the child, all responsibility and decision making ability, goes back to the biological parents. This meant that Monica and her husband Nathan were left with no say. This applies irrespective of the child's age and the length of time the child had spent with the foster parent.

Monica has described this as a living hell, battling Families SA rules under which biological parents regain first rights to a child when they die, leaving foster parents with no say. Departments such as Families SA are restricted in their ability to act in accordance with what they may perceive to be fair and reasonable in these circumstances.

Currently, legislation, including the Family and Community Services Act 1972, stipulate that there is no requirement for foster parents to be involved in the funeral process. The Births, Deaths and Marriages Registration Act 1996 in its current form does not provide foster parents with the opportunity to be acknowledged and involved in viewing the body or being acknowledged on the death certificate.

In June 2014 Ms Perrett started a petition to raise awareness of the issues surrounding her battle with bureaucracy once Finn passed away. This petition of approximately 38,000 signatures, backing the grieving mother, Monica Perrett, was to convince the government to change procedures when a child in foster care dies. The Families SA Chief Executive contacted Ms Perrett, asking her to meet with the minister responsible. In the same month, Ms Perrett secures commitments from the minister for education and child development, Jennifer Rankine, and the Premier of South Australia to review the changes—

**The SPEAKER:** The member will refer to other ministers by their ministerial title or electorate title and not by their Christian name and surname.

**Mr PEDERICK:** Thank you, Mr Speaker—from the then minister for education and child development, the member for Wright, and the Premier of South Australia, to review the changes she had campaigned for on behalf of all foster parents.

These commitments include expediting the viewing of a child's body by foster parents and include an addendum to a death certificate to recognise the role of foster parents in the child's life. I believe that Monica has heard nothing since from the government. I remind the new Minister for Education and Child Development, the member for Port Adelaide, minister Close, of the government's promises—

**The SPEAKER:** The member for Hammond will be seated. The practice of the house is invariable—not to use a member's Christian name or surname. There are compelling reasons for that standing order. It is partly for the avoidance of quarrels. It goes back centuries. It is wisdom. I have just cautioned the member for Hammond about it, and he has done it again almost immediately. Member for Hammond.

**Mr PEDERICK:** I remind the new Minister for Education and Child Development, the member for Port Adelaide, of the government's promises previously made on ABC radio on 13 June 2014, when the then minister, the member for Wright, promised to look into contacting the department of births, deaths and marriages to see if they can add a statutory declaration to each death certificate of a child who dies in foster care acknowledging the foster parents if it is appropriate to do so.

Also, I remind both the minister and the Premier of South Australia of the promise to write to and acknowledge all the foster parents who have been in similar situations so that their roles as parents in the lives of these children do not go unnoticed or forgotten. The Perrett family fought this issue because they did not want anyone else to suffer like they had, but also they were pushed to

action when they finally received Finn's death certificate and discovered that only his biological parents were listed.

Monica is not alone in this situation. There are many other foster parents who will be faced with the same heartbreaking situation in the future if the legislation is not amended by this parliament. There are approximately 1,800 foster parents who will gain new rights as a result of a campaign fought and won by the state's 2014 Mother of the Year. I want to see that this house (a) supports the amendments prescribed in the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015; (b) commits to increasing the rights of foster families in the involvement of funeral planning, as well as committing to acknowledge foster parents on the child's death certificate; and (c) affirms the rights of foster parents and legal guardians.

I again remind the government to follow through on its commitment to see changes made to the current rights of foster parents and guardians. The amendment bill seeks to insert new section 38A into the Births, Deaths and Marriages Registration Act 1996. Section 38A(1) proposes to allow foster parents and legal guardians to give notice to the registrar of a person who has died. Further to this amendment, there is a proposal that the definition of legal guardian also include relatives who care for a child.

Subsections (2) and (3) of proposed new section 38A give the opportunity for foster parents and legal guardians to give notice to the registrar as soon as reasonably practicable after the death of the deceased, in writing, in a form approved by the registrar and include the information required by the registrar. All documents are to be provided in a specified time and to verify, by statutory declaration, information provided for the purposes of the then notice.

If the registrar has received notice under section 38A, and the registrar thinks it is appropriate in the circumstances, the registrar may include the name of a foster parent or legal guardian of the deceased in the entry in the register relating to the death of the deceased. In my present bill, there is a requirement to consult with the chief executive of the relevant department.

Finally, the bill proposes to insert new section 47A into the Family and Community Services Act 1972, to give authority to the foster parents to be consulted about the child's funeral arrangements, unless the foster parent indicates that he or she does not wish to be consulted. As a matter of custom, foster parents have not been given rights equal to the rights of the child's parents to contribute to funeral arrangements because there will be circumstances where it may not be appropriate for the foster parents to be making such decisions—for example, where the child has been in the care of the foster parent for only a short time or the parents have maintained a close and caring relationship with the child.

I foreshadow another amendment to these clauses after meeting with minister Close only yesterday.

**The SPEAKER:** Member for Hammond.

**Mr PEDERICK:** Sorry, the member for Port Adelaide.

**The SPEAKER:** Will the member for Hammond be seated. The member for Hammond is reading from a screed, and we are comfortable with that, but could he pause and amend the screed and take out of the screed the names—Christian names and surnames—of every member of the house to whom he intends to refer. Member for Hammond.

**Mr PEDERICK:** Sorry, Mr Speaker. As I said, I foreshadow another amendment to these clauses after meeting with the minister, the member for Port Adelaide. I acknowledge the cooperation of the former minister, the current minister and their advisers and departmental advisers in getting this bill worded appropriately. I understand that the Coroner has also been contacted for his thoughts on the bill.

This bill is challenging, because it does break new ground, but I believe we as a parliament should do the right thing by foster parents and foster children. On 5 February, I, along with Monica Perrett, her family and friends, gathered to celebrate a memorial for Finn's first birthday and release some white balloons in his memory. It was a very moving occasion.

In my last few words, I urge this house to support the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015 to give foster parents and guardians the rights they deserve where applicable. I will not rest until we as a parliament pass Finn's law into legislation.

Debate adjourned on motion of Ms Digance.

*Motions*

**SAMPSON FLAT AND TANTANOOLA BUSHFIRES**

**Ms BEDFORD (Florey) (10:47):** I move:

That this house acknowledges with gratitude—

- (a) the awe-inspiring efforts of the emergency services staff and volunteers in fighting the Sampson Flat and Tantanoola bushfires which resulted in the declaration of a major emergency on 3 January 2015;
- (b) the dedication and professionalism demonstrated by South Australian emergency personnel and their colleagues from New South Wales and Victoria, over the six days before the fire was contained, prevented much worse destruction and any loss of life;
- (c) the work of the many agencies, community groups and individuals involved in establishing and running the relief centres at Golden Grove, Sandy Creek, Willaston and later Gumeracha; and
- (d) those now still involved in the recovery phase, led by the State Recovery Office, and the wider community for their enormous generosity during and after the emergency.

Like many people, on Friday 2 January I watched the smoke coming from the direction of Sampson Flat—a place I had really only heard of but never visited—signalling the beginning of a fire. I was outside my electorate office in the safety of Modbury North, near Clovercrest Shopping Centre. At first, it seemed, despite the intense heat of the day, not to be growing so much, and I hoped that all would be well, having faith in the knowledge that emergency services would swing into action and get things under control.

How lucky are so many of us suburban dwellers to feel, rather than know, as we were later to discover, that we are out of harm's way and that others who are trained for just these sorts of events are responsible. We very soon had a new appreciation of all things to do with bushfires, as it drew all too close to the leafy suburbs of the north-eastern part of Adelaide.

Going home that night, like so many others I watched the unfolding emergency on TV news reports and heard updates during the night. I woke up listening to radio reports that things on the fire front were actually escalating. Given what we now know, had luck not gone our way the conditions Mother Nature had dealt us may have led to greater disaster and misfortune had she not given us the weather to get the upper hand before fire spread uncontrollably southward through the Hills Face Zone and beyond into the Greater Adelaide area.

In introducing this motion, my contribution will not contain the full technical data already on the record in this place and elsewhere; rather, it will be a personal account of observations and experiences from my local community, which acted superbly in a really difficult situation.

This was the Christmas and new year period, when many people were away or on leave and people were in holiday mode. Without any specific role, I felt the best course of action would be to open the electorate office and be available to pass on information and do whatever else I could. Raising the flags that morning felt strangely defiant and was the only sort of control I could exert in this situation. It also let people know that the office was open and able to help. Should any calamity ever come again, I hope to be able to do much more than I did that day.

My son and his young family live at Yarrabee Road in Greenhill, and as such he has been an active member of the CFS. Like so many of our wonderful front-line volunteers, he has stood ready to fight fires. This was his chosen role, because of where he lives, and I believe we are all now on notice to find our role for whenever an emergency arises again. Preparedness and organisation are key words, and it would appear the fire plans of Hills dwellers prevented greater loss of property and our worst fear, loss of life.

As CFS units were called out in greater numbers, things really swung into action with the declaration of a state major emergency. The Tea Tree Gully council became involved as the

Golden Grove Arts Centre became a relief centre, and this was actually the closest I came to the fire front, staying away for the first few vital days and then visiting to reassure myself that people were being helped and that the staff and volunteers knew how much their efforts were being appreciated.

Other relief centres sprung up at Sandy Creek and Willaston, although all we heard on the news was about the centre at One Tree Hill. Nevertheless, we were all connected to the outstanding and heroic efforts, not only here in Adelaide but also at Tantanoola in the heart of decades-old pine plantations in the South-East. I heard progressively over the battery-operated radio that became my friend and I carried around with me for days on end about how the event was escalating, how the Red Cross had swung into action, and how Housing SA and other government agencies operating both inside and outside the relief centres were in place with volunteers in all sorts of capacities.

Chaplains and service clubs and their barbeques were all there to assist the people affected by the fire, people who had their homes under threat and were so forced to flee, often with their pets, and nowhere else to go. Calls soon went out for donations, with the flood of community support with all things for personal needs, food for humans and pets and every other need arriving in huge numbers.

Another call had to go out pretty quickly; the need was to find a place to coordinate all these donations, and the Clovercrest Baptist Church opened its doors as a collection point. Their volunteers swung into action and soon their premises (actually under renovation) became a supermarket. That was not to change for many days and, as far as I know, still has some remnants in their community service which they deal out to the public through the Pathways program.

Then the Salvation Army geared up and the familiar voice of Tea Tree Gully Modbury Corps captain Howard Trendell was on the radio. I have spoken to Howard since all of those events happened and he gave me some interesting statistics. His own corps had members swing into action: 40 Salvation Army members with 31 of their own volunteers and a further 81 local volunteers who they have on call when they need them. They served 8,369 meals—I feel this was probably from the very large Salvation Army truck that can go to disaster areas—more than 8,600 sandwiches, and he even knew there were 3,794 eggs used for hamburgers and things. I am amazed, but they knew it.

Another sleepless night for so many people and, as I recall, this was the night the equine community moved into overdrive and transported horses out of the danger areas in the local Hills Face Zone. Tea Tree Gully council gave permission for Civic Park, opposite Tea Tree Plaza, to become a staging point. The Salvos tell me they went up there to supply food and drinks that night to the remarkably self-sufficient horsey people. The magic of social media, something that played a major part in coordinating bushfire efforts, really came into force, and agistment or stabling for all those horses was found and Civic Park was quickly cleared and returned to how it was before, with practically no after-effect at all.

While CFS, MFS and water bombers were hard at work in weather that was continuing to cause grave concern, the days seemed to pass fairly quickly, but the time really dragged I am sure for everyone on the front line. It seemed that life was going on as usual for most of us in the suburbs, those untouched directly by the unfolding dire situation, but in reality few of us were actually untouched.

Visits to the relief centre showed obvious forward planning working well, not designed to have people actually stay on-site, which in turn would have created a Hurricane Katrina type of outcome. Centre staff identified the needs of people and then found accommodation for them so they could move out and on. It was a valued place of contact and a site for the community's first information meeting. We know police, ambulance, RSPCA, Animal Welfare League and Fauna Rescue people were busily involved, making sure community needs were met in those few terrifying days when we were all watching and hoping that things would go our way.

During all of this, my son and his family and their cats evacuated Yarrabee Road and came to Modbury Heights, and it seemed we all held our collective breaths as we waited for a miracle. Interstate contingents arrived to relieve our exhausted firefighters and, in the darkest moments, facing unmitigated disaster, the wind changed and rain eventually came, creating other issues but it seemed not as bad as what might have been had the sorts of problems people faced until then came

to pass. Needs changed and the relief centre changed, now with a national Centrelink truck in place, and began to move to the next phase of the unfolding crisis.

In the days after the weather broke, it became apparent that many people wanted to express their gratitude and admiration for the emergency responders in whatever role they had but primarily and understandably to the firefighters. For those of us who have never been involved in that role, we can only imagine the discomfort endured while acting in a situation that requires total concentration and clear thinking, something that would become harder as fatigue set in. To put your life on hold for so many days is something that is truly selfless. To say 'thank you' seems so totally inadequate. So many others also put their life on hold and, while in less dangerous circumstances, they put in an heroic effort too.

Around that time, I had the idea of putting something together to thank people, and the idea of 'A4 for Fires' came to be. I hoped that we could provide an avenue for people to express their feelings and thanks in a lasting way, allowing people with no front-line role a way to show how much they really cared about what had been done. Through the relief centre grapevine, I was able to join forces with a dynamic group of young women who had harnessed social media in an amazing way for all sorts of outcomes. They were making links for lots of people in lots of ways.

I helped them at one point to try to work out how best to shift dead animals from properties without causing too much problem for the people who owned the properties, yet not causing trouble, such as digging the trench in an area where there was obviously no way of finding out what was going on and it was too dangerous to even get the equipment into the area. I was privileged to facilitate work, primarily to allow the children of the area to put their feelings into pictures and words; the children really found the emergency hard.

On the Houghton Oval, we had a big community day. It was moved from the Inglewood area because so many people wanted to be involved. It really came home to me to see so many people coming together to give each other support. There are all sorts of things the community can do when they act together. I would like to mention two people in particular: Tara, who is a social worker in our area; through her links, she was able to put all sorts of groups together to produce all sorts of remarkable outcomes; and another young woman, Lili, who was involved with her local childcare centre. They came into the Florey electorate office and showed us how to get things done through social media, and I have a great respect for them and the work they put together at that time.

Now that we had reached the recovery phase, I was able to go up and speak to Karlene Maywald, in her new role. Again, I kept out of things because I am sure that Karlene and the others involved in all of that have things well in hand and know exactly what they are doing. I sincerely hope that, when we get to the stage of reviewing what went on during the Sampson Flat and Tantanoola bushfires, we can be involved in perhaps feeding into the process the ideas that might have come to us because, while bushfires is the thing we are thinking about today and we are thanking everyone involved with the events, which I hope we never have to face again but all logic tells us that we will, there are other sorts of natural disaster which we may have to face and which will affect all of us differently. I think that it is really important that we can harness as much community assistance when these things come to pass so we are not doing things twice. I am really looking forward to taking part in the debriefing after the reports from the various agencies come forward.

Obviously, I would like to place on record my sincere appreciation and admiration for everyone involved in the bushfires. In moving this motion, I really look forward to hearing the contributions of other members who, of course, will have different views and different ideas and different perspectives of what went on and how their communities reacted. I commend the motion.

**Dr McFETRIDGE (Morphett) (10:58):** I rise to support this motion from the member. I think that it is a very good thing that we do give personal observations of what actually happened during the period of the fire and after the fire—it is still going on now; there is a briefing on in parliament today from Karlene Maywald about some of her activities.

I would like to give two perspectives of this, one as a rural property owner south of where the fire was, at Meadows, watching the smoke in the north, knowing that the warnings were there, having to shift cattle and machinery, watching neighbours loading up floats, loading up properties—and

phoning my brother, who lived at Oakbank, and getting him out of bed and telling him to start thinking about what was going on.

It is a very salutary experience to be in the front line like that, and unfortunately it is not the first time it has been my particular position and it certainly would not have been the first time for the hundreds of South Australians who have been through fires all over the place, because it is a natural part of the environment, but when it really does start to hit home like that, you know that you had better be prepared. The message that goes out all the time is: be prepared. You have to make those decisions a long time before the fires start to impact on your property or your district.

I should remind members that, while Sampson Flat is a long way from Meadows and even Woodside, they had live embers impacting on Woodside from this fire. People do not understand that the suburbs of Surrey Downs and other areas around there could well and truly have been another Sydney or Canberra. If it was not for the fantastic effort of many, many people and organisations, some of which I will name in a moment, this could have been an absolute disaster, far worse than South Australia has ever experienced.

That is why I am very proud to be a member of the Country Fire Service. On that day they did a terrific job and they kept going. It was the CFS, the MFS, the SES, St John, the Ambulance Service, the police and many other government departments. There is a new organisation, and this was really their first time in action, called SAVEM, which is the Veterinary Emergency Management team. Let us not forget the Salvos—God bless the Salvos, because they are always there. We had hundreds of people volunteering from Rotary clubs, Lions clubs, churches and other service organisations.

The best part and probably the most emotional part for me was seeing the mums, the dads and the kids—everybody pulled together. It made you really proud to be a South Australian. It was one of those times when things really impacted upon me as a member of parliament, to be more proud than ever. I am always very proud of being a South Australian, but I was even more proud under these circumstances to see how the community pulled together and is still rallying behind not just the volunteers and the CFS and thanking them for what they have done, and the many others, but also the community members who still need help.

It is a wonderful position to be in that we have a community that is as resilient and reactive as it is. Words cannot praise enough the effort that was put in by the emergency crews, plus the rest of the community. As the member for Florey said, it is those personal reactions and these personal observations that really brings home to us where we want to go with emergency services in South Australia.

As a member of the CFS, I was up there on the Sunday and on the Tuesday. We were supposed to go up there on the Monday, but the crews from New South Wales came in and they gave us a day off, which was my wedding anniversary, so my wife was very happy about that. The members of the crew that came up with us on the Meadows truck were John Morley. John has been in the CFS for over 40 years and what he has not seen and what he does not know is not very much; he knows a lot and it is great to have that sort of experience.

At the other end of the spectrum we had young Aaron Harrison and Ben Haynes who had only been in a matter of months. It was good for them to experience this fire with people like John who have experience, as well as Adrian Matthews, Barnaby Barber, Katherine Coombe and Reece Lord, the more experienced members, as well as myself. It was good for them to be there with these younger members, because we know that these younger members are the future of the CFS. Without the volunteers in the CFS we could not have achieved what we did during that campaign to save lives and to save properties.

The member for Colton would know, having been a career firefighter with the MFS, that you hear stories about people running away as the firefighters are going to a fire. We want people to evacuate if necessary, but for us as members of the CFS the biggest reward is to know we can get there, do the job and have no loss of life. We can rebuild properties, but to have no loss of life was one of the most important things that we could have achieved.

Unfortunately, there were some stock losses and certainly a lot of property losses. We went to homes where people had not even locked their doors, they had just left, they had just got out, hopefully with a few personal belongings such as photographs and things like that. They took with them what they could take, but everything else was gone. What was once a beautiful home with a beautiful vista was just charred remains of what was once their whole life. It can be rebuilt. The memories will be there. Perhaps the reminders of those memories are gone but the memories are still there because the people are still alive, and that is due to good notification by the CFS, the alerts by the police and the ABC, many people there. That is a terrific result and something we should all be very proud of.

The need to make sure that we are prepared for these events in the future is something that we should all be very aware of and take the Sampson Flat bushfire as a very pertinent reminder to all of us personally so that we can get out there and talk to our constituents, whether they are in the city or further out in the country, that they should be prepared.

This will happen again. Sampson Flat is one of those things which serves as a good reminder. It is a terrific result to have no loss of life and it is a terrific result to see the communities pull together as they did. I will not take any more time in the house because I know there is a number of members who would like to speak, but may I congratulate all the emergency workers and all other people, and the South Australian community for making us very proud of what they did.

**Mr GEE (Napier) (11:05):** I stand today to support the motion moved by the member for Florey. It was 12.33pm on Friday, 2 January, a very hot afternoon when the One Tree Hill CFS brigade was called to a grass fire on Sampson Flat. Firefighters from One Tree Hill who were on stand-by at the station were at the blaze within seconds and, within 30 minutes, water bombers were on site.

The firefighters did a fantastic job in the first hour before the fire jumped into the Kersbrook forest. Then off it went, doubling in size every two hours that evening. In total it burnt nearly 13,000 hectares and destroyed 27 homes, including one in Napier. Thankfully, the fire did not reach the suburban areas, as it had threatened to do on the first night. Hundreds of residents, including my family, received texts and phone calls advising us to leave and head to the Golden Grove Recreation Centre. Many residents did leave and although I am sure they were concerned about the fate of their homes, at least their families and pets were safe.

Humbug Scrub, One Tree Hill, Sampson Flat and Yattalunga were affected in my electorate; thousands of hectares of native bushland, farmland and forest were burnt. Trinity College lost its outdoor education centre which had been utilised for over 100 days each year. Many properties lost stock and outbuildings.

While visiting the recovery centre at One Tree Hill and at various meetings during and after the fire I met a number of people who had lost everything. I express my deep sympathy to all the families who lost their homes in this emergency. My thoughts are also with everyone who lost pets and livestock, sheds and outbuildings and valuable possessions in the fire.

The battles to save homes were monumental. One resident spoke of flames twice as high as her home coming across her paddocks as she tried to save her home. Thankfully, she was successful but is devastated by the amount of stock she lost. If you drive through the bushfire zone, especially from One Tree Hill to Kersbrook, it is amazing to see homes that have survived in an almost totally black and confronting landscape. I cannot imagine the battles that must have been fought to protect these homes.

The work undertaken by our CFS volunteers, along with their interstate colleagues from the CFA and RFS was brilliant, heroic and definitely saved lives. In addition, many hundreds of other volunteers did whatever was needed to be done to support the firefighters and the local communities. This effort is beyond value.

I want to thank the volunteers from the One Tree Hill and Dalkeith brigades in my electorate. They both had crews at the fire throughout the emergency. As the local member, I am extremely proud of the men and women of these brigades who did a wonderful job, an experience that physically, mentally or through their memories, will be with them for a whole lifetime.



I attended the community information meeting at One Tree Hill on 3 January and I am sure the whole community appreciated the excellent information that was provided. Thanks also to the MFS, National Parks and Wildlife Service and ForestrySA staff who assisted in fighting the blaze along with local residents and farmers. I thank the SA Police for manning the roadblocks to keep residents safe, and all the council workers who made it safe for residents to return home.

I thank the SES and Red Cross for their assistance. Thanks must go to the One Tree Hill Cricket Club for hosting the main staging post for the fire, and the One Tree Hill Primary School for hosting community meetings. I thank the Salvation Army, the St John Ambulance and SA Ambulance Service for their work at the staging posts, and the Golden Grove evacuation centre for looking after the nutritional and medical needs of the volunteers and the community.

I thank the volunteers and staff who worked at the evacuation and recovery centres at Golden Grove, Sandy Creek, Willaston and Gumeracha. I met with the volunteers at Willaston, who had started at Sandy Creek and then moved to Willaston, including chaplains, Red Cross and service club volunteers—a great group of community-minded people.

I must sincerely thank two local legends—Pat Jones and June Owens—who kept the One Tree Hill Institute open almost 24 hours a day for eight days with assistance from the progress association members and members of the community. They provided food, shelter, comfort and information for everybody in a safe and caring environment. They are selfless, dedicated and caring people who will long be remembered for their efforts during the emergency. I and my staff visited the centre on several occasions to provide comfort and practical support. It was fantastic to see the amount of donated goods and resilience of people who had lost everything but who were volunteering to assist others.

Many people and businesses in my community assisted the locals during their time of need. I must mention the Bonanza Pizza Bar, for feeding the evacuees on Friday evening and into Saturday morning; JB Hi-Fi, for the loan of the TV for the centre; Nicola and Lachlan from Officeworks, Elizabeth, for donating whiteboards; all the businesses in One Tree Hill; and local supermarkets and food producers, plus SecondBite, for food donations.

I also thank the Playford Rotary Club, Apex Club of Gawler, Clovercrest Baptist Church, Sue and Connie from Housing SA, and the pastoral care workers from the Uniting Church, who provided comfort and counselling. I thank every individual who assisted with donations of cash and goods, including Damien Lynn from Blakeview, whom I met on one of my visits to the One Tree Hill centre.

The Premier, minister Bettison and minister Piccolo deserve thanks for their efforts during the emergency, along with the senior leaders in our emergency services. I also thank the Hon. Gerry Kandelaars MLC; member for Wakefield, Nick Champion, and his staff; and Lee Odenwalder, the member for Little Para, who visited the One Tree Hill community recovery centre and provided valuable assistance.

Thanks must also go to every South Australian who donated goods, money or time—from the local churches, community organisations and the Port Adelaide Football Club to the offices of Frances Bedford (member for Florey) and Nat Cook (member for Fisher), who collected donations, all of those people who donated to the official appeal, the CFS Foundation or a charity assisting the fire, and the people who organised or attended the Parafield ute muster.

Many animals would not have escaped or survived the fires without the efforts of many animal welfare groups, including the Animal Welfare League, the RSPCA, Fauna Rescue, Adelaide Zoo, the Adelaide Koala and Wildlife Hospital, many equestrian organisations and many local vets, especially the Para Hills Veterinary Clinic. It will take a long time to forget all the koala mittens that was sewn by people from across South Australia and the world. It was a real community effort to support everyone, including the animals, affected by the fires.

Thanks must go to the forgotten people in the bushfire: the wives, husbands, children, parents, siblings and friends of everyone who gave their time to volunteer in the emergency, whether it was a family of firefighters hoping they returned safe or the families of other volunteers taking on extra tasks while they supported the volunteer to go and assist others. Thanks must also go to employers who made their employees available for the emergency.

Although the fire has now been out for more than a month, the hard work is certainly not over and, in fact, the next stage has just begun. I am very pleased that Karlene Maywald is leading the recovery effort. Karlene seems a woman who is no-nonsense, striving to get the best for our community.

Funds are starting to be distributed from the appeal fund. People are getting new driver's licences and documents to replace those that were destroyed in the fire zone, and tanks are being cleaned and refilled. Volunteers have flooded the community to assist BlazeAid and a number of other organisations. I note the large contingents of volunteers who have turned out from the Church of Jesus Christ of Latter-day Saints to assist with the recovery.

Many families are coping with the stress of the impact of the fires on their lives, their homes and their communities. Habitat for Humanity is just one organisation that has been meeting with these families personally and evaluating their needs and how best to assist their clean-up. They will have teams of volunteers in the fire-affected area in coming weeks to help with the clean-up, repair and rebuild through their Brush with Kindness program. The community spirit shown during and since this disaster makes me very proud to be Australian. I again thank everyone involved with the firefighting and recovery efforts and commend this motion to the house.

**Mr GARDNER (Morialta) (11:14):** I am pleased to have the opportunity to speak on this motion as the member for Morialta. Morialta was, of course, impacted significantly by the Sampson Flat fires of early January, and on 24 February in this house I took the opportunity in my Address in Reply to use my full half an hour to identify the thanks, on behalf of the community—and the community on their fences and on their posts have in many ways identified their thanks—to all the volunteers, in particular the CFS, the staff and services, who did such a magnificent job in fighting the fires, ensuring that no lives were lost, ensuring that as many houses as possible were saved and that property damage was kept to the minimum that was feasible and recovery services were provided.

In that speech, I outlined a number of challenges and concerns facing constituents of mine and others who have spoken to me both during the fire experience itself and in the recovery phase, and I direct the casual reader of *Hansard*, government officials and ministers to that speech. I will be sending it to the relevant ministers to ensure that those experiences are captured in the investigation to come.

The experiences of those who, subsequent to the fires, were willing to welcome me into their living rooms, walk me around their properties and show me the devastation and the loss they had suffered to their personal properties and their personal histories through what had been lost and what was burnt—sheds burnt down, with extraordinary financial loss, and personal effects lost—was very harrowing. I must say, though, that we are grateful that no lives were lost.

I would have liked to contribute more to the debate this morning; however, we have a briefing, which my staff member at the briefing now assures me is actually 15 minutes late in starting so, hopefully, by the time I wrap up it will just be starting. But I know other members who would like to be there would also like to make their comments now and then get away to that briefing, so I will take no further time this morning, but I commend the motion to the house.

**The Hon. J.M. RANKINE (Wright) (11:16):** I also want to recognise and thank the many people from so many agencies who worked so hard to protect lives, protect property and, importantly, support and assist those who were under threat as a result of these dreadful fires. Agency personnel, the CFS, MFS, SES and SAPOL, all put themselves at the front line and put themselves at risk, and to them I want to say a heartfelt thank you. To the Housing SA staff, Health SA, Red Cross, Salvos, the service clubs, and the many other community clubs for their timely and generous support of those who lost their homes and those whose homes were under threat, a big thank you.

Many homes were lost, many loved possessions were lost, but it is of great credit to our CFS and MFS firefighters and great credit to the controls that the South Australian police put in place that no lives were lost. In January 2002, I was in the Blue Mountains when those dreadful fires were wreaking havoc throughout New South Wales. Volunteers from across South Australia were over there supporting their comrades, including my local brigades of Salisbury and Tea Tree Gully. A big thank you to those firefighters from interstate who on this occasion came to our aid.

I have spoken in this place before about the risk we face in relation to fire. Fire is a natural phenomenon and we need to prepare for it. We need to be able to deal with it when it occurs, and there is much we can do to prepare. If anything brought this to the forefront of my mind, it was that 2002 fire experience when I was at a property on the border of the Blue Mountains National Park.

I happened to be on the phone at one stage to the then leader of the opposition, and he wanted to know what the huge roar was muffling my voice on the phone. I said to him, 'It's the fire and it's heading this way.' He used an expletive when instructing me to leave. There was nowhere to go. What kept us safe throughout the night was the amazing preparation that family had put in place to protect their home and the fact that the volunteer firefighters recognised that they had a chance to save that property and so they were there to assist throughout the night.

I have held around 14 fire safety days in my electorate since I became the member. The first was at a local park with just the local CFS. Now they have elevated it to include not only the CFS, MFS, but also SAPOL and the Red Cross, and they are an annual event at the Village Shopping Centre. My aim has been to raise consciousness in Golden Grove that is a high fire risk. All we needed was the right weather conditions to see a Canberra-like fire sweep through that area. I want to thank the Village centre management because they have every year allowed me to do this. I am told that at the last event they were alerted to some considerable noise down in the mall. They found that to be the locals engaged in conversation with these agencies.

Our area is hilly, it is full of natural scrub, and most concerning for me is that it is connected to brush fences—kilometres and kilometres of brush fences. Golden Grove is at risk, and this January it was definitely at risk. I am told that at 10.30pm on Friday evening, fire could be seen from the front yards of local people. At 2am on 3 January, the messages went out to people in my electorate in Golden Grove, Gulfview Heights, Wynn Vale and Greenwith, to evacuate. From all reports, this generally worked very well. I was alerted to this as I was not at home. My home at Golden Grove was in the evacuation area, but I had only a day or two just landed in northern Borneo. I was constantly updated by my staff about what was happening, but was incredibly anxious and planning on hopping on the next plane back. However, within a relatively short time I was pleased to see that the threat to Golden Grove had passed, but many other communities remained under threat.

I want to thank my colleagues for their support and obvious care for all of those involved. There were some issues that needed to be dealt with, and I understand that there were many sightseers parking their cars on both sides of the roads in Golden Grove to get a good observation point of the fires. There are many small courts in Golden Grove coming off larger streets, and I understand there was quite a deal of traffic bank up, and that is clearly something that we need to deal with. By 3.30am, the Golden Grove Recreation Centre was open for evacuees as an emergency relief station. People from Housing SA, led by Roman Kowalski and SA Health and emergency services were there to provide support for these people.

The recovery phase is what we are in now, and it certainly is not easy. Everyday people are reminded of the trauma they went through. It was wonderful, on the first day of school, to be able to go to Kersbrook Primary School to see the great work that people from the department of education had done to prepare that school for first day, so that the trauma was significantly lessened for any of the children coming there. The vista at the back of the school had changed enormously with the removal of many, many trees, and I think they lost a sports shed; but the clean-up had been absolutely magnificent and there was a great turnout of parents. I was apologising to them for the fact that I had not been there during the fire. They were incredibly gracious, incredibly strong, being led by a very dedicated principal and dedicated staff, giving parents the assurance that their kids would be fine, they would be caring for their kids, and also the Red Cross people who were on hand and had been on hand throughout the entire event.

We do face challenges in relation to our communities that are fire prone. What this has shown, I hope, to many people who had not been hearing the message is that you may live in a metropolitan area but that does not mean you are not at risk of a bushfire. We need to be aware of those risks. Our planning needs to be addressed so that developments like Golden Grove no longer have great swathes of brush fencing abutting natural bushland.

We need the people who are living in those areas to be aware of and understand simple things. Even though you have underground sprinklers, etc., you still need a long hose that will get you to your fence and help you fight a fire should it come your way. You need to plan to evacuate. Even though you are living in a metropolitan street, you need to have the important documents, your most important and precious possessions, located in a place where you can grab them, leave and go to a safe place until the danger passes.

The communities and families who have been affected by this fire have a long road ahead of them to full recovery. Every home was full of precious memories, precious items, situations that occurred in their lives that resulted in them obtaining each special thing in their home, and I can only imagine how difficult that is to have that completely wiped away. As so many have said, the most precious things in their lives remain intact—and that is their family members. I extend my very deep appreciation and thanks to everyone who has been involved from those on the front line through to those who are providing daily support in the recovery phase today.

**Mr GOLDSWORTHY (Kavel) (11:26):** Thank you, Madam Deputy Speaker, and I thank you as the member for Florey for moving the motion. If somebody on the government side of the house had not moved such a motion, I think we on the opposition side of the house certainly would have. I, like the member for Morialta, made significant reference to these fires in my Address in Reply, so it is not my intention to talk at length this morning because I want to go to the briefing being held by Ms Karlene Maywald in her role as the recovery coordinator.

I want to reinforce some of my observations in relation to this fire and other fires that I have had some involvement in over the years, and that is that the emergency part of a fire passes relatively quickly compared to the recovery process. In this instance of the Sampson Flat fires, the emergency went for six days which is a long time. Usually a fire burns for two to three days before it is contained or brought under control.

This was a particularly difficult event to manage, and we were certainly made aware of that through the advice of the senior officers from the CFS and SAPOL and the like. The observation is that the recovery process lasts for days, weeks, months, years and even decades. Obviously those of us who represent electorates that have been impacted by the fire—and there are quite a number of us in this place—are getting strong representation from constituents who are facing losses and the like and who are working through this recovery process. No doubt as other members of this place have done, I have visited quite a number of properties that have been impacted by the fires and lost properties.

I know that Ms Maywald is working through this, but one of the key points is the issue of returning home after people have evacuated. They have made the decision to evacuate their property and face the issue of return to home once the emergency has passed. The fire front has moved through and the situation is somewhat stabilised.

The feedback I am getting is that people perhaps may be reluctant to evacuate in the future when a fire is threatening their property because it is difficult to return home once the fire front and the peak of the emergency pass. That is a serious thing that I think we need to consider: that in future people will be more reluctant to evacuate if they are being threatened by fire. I know that there is considerable work being undertaken in relation to the return-to-home part of the situation, which is important.

I also again want to, as I did in my Address in Reply, give my sincere thanks to all the volunteers, particularly our magnificent CFS volunteers, our SES volunteers and the St John Ambulance volunteers, and also those salaried people who work in our emergency services: our police, our MFS, and others who support any emergency situation. I also particularly want to thank those people in the community that volunteered their time, their assets and their firefighting equipment to assist with the emergency and the recovery.

I want to talk about the need for the government—any government of the day—to focus heavily on the matter of cold burns. I encourage the government to actually carry out more cold burns, because that is a significant area that reduces the ferocity of any fire event if it gets into national parks or any forest in the country. So, the issue I want to reinforce today is that cold burns are vitally important.

The other matter I want to finish on is a comment that the leader of the Greens, Ms Christine Milne, made during the emergency situation. Ms Milne came out publicly and raised the issue of climate change. I think it is absolutely appalling that—

**Mr Pederick:** Disgraceful!

**Mr GOLDSWORTHY:** —and absolutely disgraceful, as the member for Hammond stated, that while this state is gripped with a major fire emergency incident, we have got the leader of the Greens coming out, wanting to make some political mileage out of that. I think that is appalling and disgusting. With those few words, I am happy to conclude my remarks and commend the motion to the house.

**Ms COOK (Fisher) (11:32):** I rise today to speak in support of the member for Florey's motion acknowledging the efforts, particularly of the CFS and other agencies, during the recent Sampson Flat bushfires. I worked as a retrieval nurse out of the Intensive and Critical Care Unit at Flinders Medical Centre, and also as part of Adelaide Airport-based MedSTAR Retrieval Service for seven years, between 2004 and 2011. I have been to many critical accident scenes both in the rural and urban settings.

At these scenes, it was the CFS who provided additional hands to our medical teams, while ensuring our safety and also expertly assisting to extract patients who were often severely traumatised. As is the nature of volunteering, especially in rural settings, it is often the case that the Country Fire Service members know the victims. It takes a very special kind of person to be able to volunteer under such circumstances.

During the Sampson Flat fires, many of the CFS members were fighting fires on land owned by others while not knowing if their own homes were safe. They responded to the call for help without hesitation. They put their heart and soul into fighting these fires along with their brothers and sisters and alongside their mates. It takes a very special kind of person.

Over 700 volunteers were involved in the efforts that brought the Sampson Flat fires under control from 2 January to 9 January. Our South Australian volunteers were supported by crews from both the New South Wales Rural Fire Service and the Victorian Country Fire Authority. These people left their homes and families behind during severe heatwaves to assist their mates such a long way from home. Because this is what we do as Australians; we answer the call and help out those who need it. It takes a very special kind of person.

In the seat of Fisher we have the Happy Valley and Clarendon brigades under the command of Mawson Group and the Cherry Gardens brigade under the command of Sturt Group. I would like to express sincere thanks to all the volunteers from those brigades who train every week to ensure that they are adequately prepared to provide assistance to our community in an emergency. All brigades provided support at the Sampson Flat fireground. All brigades had appliances and crews active from Friday night 2 January until Monday morning, and then again from Tuesday morning until Wednesday afternoon, with one appliance and crew replacing the other for 12-hour shifts at a time. In addition, the Cherry Gardens brigade provided assistance at the Gawler airstrip for the aerial services provided by 31 aircraft—a record number for any fire in South Australia.

I have spoken to and visited members from our Fisher brigades in recent times and have committed to making regular visits and supporting their needs, assisting them to access necessary equipment and advocating on their behalf. I recently observed the Cherry Gardens brigade on a training night, and was again reminded of their professional approach and commitment to the tasks at hand.

I am a very one-eyed Australian and very proud resident of our wonderful community. In a region where one of our biggest threats during summer is bushfire, it is of some comfort to know that we have the world's finest group of volunteers ready to defend our properties and put their lives on the line for us. It takes a very special kind of person. That is our CFS. Thank you.

**Mr KNOLL (Schubert) (11:36):** Again, I will keep my remarks brief in deference to those who are trying to make contributions. This is the third time in 12 months that my community has experienced a significant bushfire, from the Eden Valley bushfires over 12 months ago to the

Angaston fire around Hutton Vale and surrounds in December and now to Sampson Flat, the biggest fire that my community, certainly, has seen since Ash Wednesday.

We are getting pretty good in our response to dealing with these, and on that point I would like to thank not only the CFS and volunteers but also the backup support that goes with that. There is an entire community's worth of empathy that exists and tries to support those on the front line and those who are affected. There is overwhelming generosity. As a local member I had a number of people coming to me asking how they could help and how they could get involved, and we directed them to the places of highest need.

In my maiden speech I mentioned volunteerism and the community spirit, and the fact that it underpins so many of our communities, and very much so in Schubert, where we have a strong culture of looking after ourselves. Once again that kicked into action, and I would like to commend my community for the work its members have done.

My family was affected very significantly by these fires. I have grandparents at Humbug Scrub who, without the work of four anonymous CFS crews, would have lost their house, their home of the last 35 years. As soon as the fire was out these crews whisked off to the next hotspot, and my grandparents did not have the ability to say thank you. My aunt and uncle at Kersbrook had a similar experience with a couple of CFS trucks, as the fire came across the top of the hill from Checker Hill Road.

The way the community comes together and deals with these things is rather extraordinary, but the biggest thing I want to do today is commend the work done after the fire. During the fire, as a politician I tried to keep out of the way of anything that looked like it had flames because I figured I would very much get in the way. However, after the fire, and once the TV cameras were gone, I figured that was when the real work starts.

One practical way I have been able to get involved is through BlazeAid. For those who have stock the burning down of sheds and houses is one thing, but in order to maintain your business you need to be able to keep your stock from wandering all over the place, and fences are extremely important. BlazeAid, as a group, is so remarkable because it is ready to go almost as soon as the fire is finished. I know they struggled to find a venue, but are now housed down at what was the Flaxley Research Centre.

There is this group of almost grey nomads who appear from across the country and set up camp in this makeshift campsite. They go out day after day after day, giving of their time and repairing fences. They also do quite a bit of pastoral care with the landowners who they go and help; they help to rebuild their lives and their fencing so that they can get back to a sense of normality as quickly as possible. I was lucky enough to spend a day going out with them. I took my politician's hat off and tried to just be another member of the community willing to help. The backgrounds of these people are quite diverse, from backpackers from Europe to a couple who were down from Queensland to some guys out of northern New South Wales.

It really is such a beautiful organisation because it is pure. It is there only to help. It does not seek to get in the way. It gives of itself in a way that the landowner wants to have help. It does not prescribe what people need to have. It really is remarkable. I encourage everybody, if they can, to get involved because BlazeAid will be at the Flaxley Research Centre doing work on the Sampson Flat fire for months and months to come, and I plan to put a few more days in to do my little bit. It is one of those practical ways, when the whole community is saying, 'Well, what can I do to help?' It is after the height of the media attention on the fire when, 'What can I do to help?' becomes a different proposition. I encourage everybody to look to BlazeAid as a fantastic organisation that can help to do that work. With those few words I commend the motion to the house.

**Ms WORTLEY (Torrens) (11:41):** I rise to support the motion moved by the member for Florey and to add my tribute and my thanks to the South Australian emergency services personnel, who in January faced fire conditions on par with those of Ash Wednesday in 1983. The fire which started on Friday 2 January had a bushfire perimeter of over 240 kilometres, making it a huge logistical task to contain. It rained on Wednesday night (7 January) in many areas of the hills and that rain greatly assisted the firefighters to control the blaze.

Thanks to the skill and dedication of so many people, particularly our emergency services staff and volunteers, there was no loss of human life. The fire raced through more than 12,500 hectares and 27 families lost their homes, with treasured belongings, many of which cannot be replaced. Emergency services staff and volunteers from all over the state and interstate were involved in fighting the fires and assisting people throughout the emergency. They worked diligently, methodically, tirelessly, skilfully and bravely to ensure that they did what they could to minimise the danger and the damage to humans, animals and property. We as a wider community owe them a lot.

For those of us who do not live or work in the bushfire-affected area, we still know that they were fighting that fire on our behalf, as well as on behalf of those people directly affected or threatened. We looked on with admiration at the work that was being done. Their dedication to the work, either paid or unpaid, cannot be faulted and there are people who have expertise in these matters who are really in awe of the skills the workers demonstrated in this particular emergency.

The animals and livestock that were injured in the fires were also helped by emergency services personnel and I have seen some moving images of this. I would like to acknowledge too that there were vets who donated their services to help care for those seriously injured animals. Sadly, many animals died in the fire and from their injuries in the days following and I offer my condolences to those who lost their loved animals, many of them dogs and cats, that were very much a part of their family.

The recovery from the bushfire will be slow and painful for those immediately affected, and it will doubtlessly be different for each of them. I am sure they will be comforted by memories of the emergency services personnel who fought so hard and helped so many and also of those who volunteered their services in different ways. I know that in my electorate of Torrens the response from a Facebook request for donations of cleaning products by the North East Community House was enormous. Hundreds of cleaning products were delivered to the North East Community House collection point by members of our community. Diane Farah and Sue travelled more than 300 kilometres on the Saturday to households affected by the fires delivering bags of these cleaning products. They told me that they came back having had the most humbling experience and that they picked up on the resilience of the people who had been through the fires.

We hear a lot about heroes. Today I pay tribute to our emergency services heroes and, on behalf of the many people in Torrens who have spoken to me about the fires and their concerns, I say thank you to all those involved during the emergency and since.

**Mr PEDERICK (Hammond) (11:45):** Deputy Speaker, I rise to make a contribution to your motion as the member for Florey regarding the efforts of the emergency services staff and volunteers in relation to the Sampson Flat and Tantanoola fires. We have certainly seen the best of what can happen in these situations. I think some very valiant efforts were made by our own CFS and other volunteer agencies with assistance from Victoria and New South Wales. It just goes to show that when you throw the right resources at a situation—this was indeed a very touchy situation—you can get the appropriate outcome.

What I was most pleased to see in response to this fire was that many firefighting planes were operational, and viewing platforms and helicopters were also involved in the fighting of this fire. It is a stark contrast to what happened with the Cherryville blaze. I have heard all the excuses why they were not deployed at Cherryville, and I still firmly believe that they were just excuses. I, like all CFS volunteers, understand that the ground forces need to get in there, but there are certain parts of the landscape that ground forces cannot get to and, if you hit it with a water bomber, you can get a far better outcome in a much shorter time.

I want to praise the efforts of the whole CFS in this state, New South Wales and Victoria for their support, the Salvation Army in helping feed people during this process, and all the other volunteers that got on board. Sadly, we did lose some homes but we did not lose any lives, and I think that just shows how, under the current firefighting and emergency services regime, things do work. They do not need to change; everyone operates together and we get the right outcome.

I take note of the member for Kavel's comment that if you do leave your home you may not be able to get back to it. I can understand the reasons for that, but some people who stayed with

their homes did save them while homes around them burnt down because resources were not able to get there to save them. That is always the call of the occupant, and certainly some people, for health reasons or age or inability, should not stay anyway. It is something that we will need to look at further because it is obvious that some people can vent their frustration when they are not allowed back into their property.

I heap praise on all the people involved in fighting these fires and other fires around the state. It has been a fact of life in Australia for hundreds of years, thousands of years, that fire is a part of the landscape, and I too was offended by the leader of the Greens relating it to climate change. He needs to go outside and look at the real world.

I understand that we need to be mindful of the time as we have other matters to deal with today. However, in closing, I will just mention that the members for Mount Gambier, MacKillop, Mitchell, Finnis, and possibly others, would have liked to have spoken on the motion but we have other matters to attend to, so I commend the motion to the house.

**The Hon. P. CAICA (Colton) (11:49):** I will be very brief, Madam Speaker. I want to congratulate you on putting this motion before the house. Of course, it is a motion that is going to be unanimously supported.

I want to pay tribute to and acknowledge the contribution made by all emergency services personnel during both the Sampson Flat and Tantanoola bushfires. Their job was outstanding and their coordination very good. I also want to acknowledge those interstate personnel who travelled to South Australia to assist in the process. Also, as the member for Schubert said, I acknowledge and thank all those good people who are contributing through BlazeAid at the moment.

I think we were lucky on this particular day. There were certain circumstances that changed during the course of the fire that were a contributing factor in ensuring that it was managed well. Whilst I am in no way saying this was not a serious fire, because it was, I say we have missed the big one and the big one is still to come. There will be a time in the not-too-distant future when we will have another Ash Wednesday or a fire similar to what they had in Victoria several years ago and we will see the devastating effects of those fires.

That is why it is critically important that we continue to have, underpinning our emergency services in this state, excellent levels of professionalism from our volunteers and coordination with other emergency services agencies; and that we do the right thing with respect to clearing and making sure that when a fire does come the environment is in a better condition with respect to managing fire than otherwise would be the case.

I am issuing a warning, and that warning is that this was a devastating fire but there is still a more serious fire to come and it will not be that far off. To that extent, I disagree with the member for the Mallee—

**Mr Pederick:** Hammond.

**The Hon. P. CAICA:** Hammond, thank you very much, the member for Hammond. At least I didn't call you by your first name. If you stay as you are without ever attempting to improve, you are actually going backwards. To that extent, I commend the Minister for Emergency Services for the work and consultation he is undertaking at the moment to improve our emergency services in this state and to improve the coordination and the way in which they go about doing their jobs. I ask people, in no preconceived way, to go and look at those proposals with an open mind about how it is that we as a government and parliament can continue to properly support emergency services personnel in this state.

The only other comment I would make (and I probably agree with the comment that this fire itself was not necessarily a result of climate change) is that, for those in denial in here, climate is changing and, on any fair assessment, the scientists say that what we are going to have here in Australia is more frequent events that contribute to fire and, to that extent, we have to be not only diligent but ensure that our emergency services are properly prepared to work against the increased frequency and intensity of fires that will be caused by climate change. With those few words, I again congratulate and thank all those people involved in the Sampson Flat and Tantanoola bushfires and commend them on their outstanding work.



**Mr PICTON (Kaurna) (11:53):** I would like, firstly, to thank the member for Florey for moving this fantastic motion and thank all the other members who have contributed to the debate, particularly those who come from electorates that were affected in the fires. I would also like to add my thanks to all the volunteers, both CFS and other service organisations, involved in the heroic effort of fighting the Sampson Flat bushfires. There is something amazing and truly heroic, I think, about those who put their hands up to go out and put themselves in harm's way, without any scent of pay, to protect the lives and properties of other people. I think that really sums up what a great community we have in South Australia.

I know in my electorate there were lots of people who put their hands up to help out, certainly from the CFS units in my electorate. We had the Aldinga CFS contributing 23 members to the firefighting effort, and they operated in One Tree Hill, Sampson Flat and Kersbrook. The Seaford CFS contributed 24 members to the efforts, and they operated in Kersbrook, Gumeracha, Kenton Valley and Forreston. I would like to add my thanks to all those people who helped out.

There are many other people who did not help directly in the firefighting effort but committed their time and money to help the people affected. In my electorate, the Port Noarlunga Football Club was turned into a collection point for pet food, as dozens of local residents in the south pitched in to ensure that the huge numbers of pets affected in the fire would be fed.

Also, recently I met some of my constituents from the Aldinga Arts Eco Village, who have been helping BlazeAid. I thank the member for Schubert for his contribution to BlazeAid. They are out repairing fences right now in the Adelaide Hills, helping people put their lives back together. So, to all those people I add my sincere thanks.

**The Hon. T.R. KENYON (Newland) (11:55):** As a member for an electorate that was affected by the fires, I wish very briefly to place on the record my thanks to the volunteers who undertook the initial firefighting. I spoke a little bit about this in my Address in Reply, so I will not go on here, but I want formally in this motion to thank those volunteers who made a contribution to keeping members of my community safe and who continue to be available to do the same thing again as the rest of the fire season continues. I also thank those people who continue to assist my community: BlazeAid, the Tzu Chi Foundation and so many other organisations that continue to operate in the community, continue to help with the recovery process, and will do for some time yet.

**Ms BEDFORD (Florey) (11:55):** I thank all members for their contributions today in support of this motion. As has been said, the aftermath of this natural disaster sees many still hard at work assisting in the recovery effort for the locals who lost homes, property, stock and lifelong memories and possessions. We extend to you our solidarity at this time and for as long as you need it.

To my local first responders: the Tea Tree Gully CFS (if only we knew when we were having those Christmas cakes how soon you would need the support you got on the days of the Sampson Flat fires), the SES (what a great job they have done), the MFS crews, the Holden Hill LSA, and the ambulance and hospital personnel—they were all ready.

We in the community must also be ready, have a plan and give some thought to what we should do and what we can do should we ever be called on to play our part. It is up to us in this place to make sure that we take the lessons from this bushfire to the community, heed the advice of the reports and make sure that should or when the time ever comes again we are all as ready and prepared as possible.

To the hundreds, even thousands, of people who contributed directly and indirectly to the efforts to contain and save the situation, I repeat my admiration and thanks. I have tried not to mention names, particularly because there are so many, but to each and every one of you we are so enormously grateful and proud of all you have done. When we work together, everything seems possible, and the hundreds and thousands of stories from the many disaster incidents that are already part of the history of this state prove just that: when we work together we can achieve anything.

Motion carried.

**REPATRIATION GENERAL HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (11:57):** I move:

That this house—

- (a) reaffirms its commitment to the best possible standard of health care for veterans and war widows;
- (b) acknowledges the care provided by the Repatriation General Hospital during the 73 years of its operation;
- (c) recommits to the Repatriation General Hospital as a centre of excellence, maintaining its role as an acute care teaching institution with links to Flinders University; and
- (d) opposes any moves to close the Repatriation General Hospital.

The Liberal Party reaffirms its commitment to the best possible standard of health care for veterans and war widows. The Liberal Party acknowledges the care provided by the Repatriation General Hospital during the 73 years of its operation. The Liberal Party recommits to the Repatriation General Hospital as a centre of excellence, maintaining its role as acute care teaching institution with links to Flinders University, and the Liberal Party opposes any moves to close the Repat Hospital.

This government has made an art form of promising one thing before an election and then backflipping or moving out of that position immediately after, but none of those broken promises could be considered more egregious than the broken promise to our veterans community in South Australia. This government cannot be trusted. This minister cannot be trusted. Why should we believe anything this minister has to say? Why should we believe anything this government has to say?

In September 2010, the Labor government in South Australia ruled out shutting the Repat Hospital, with the then premier, Mike Rann, stating:

The Repat Hospital is here to stay. The Repat Hospital will never, ever be closed by a Labor government.

But what has happened? They have made the announcement that this government is going to close it, but it does not stop there. It was not just one fleeting promise to the veterans community five years ago—it went on and on.

Let's hear what minister Hill had to say, when he was the minister for health in South Australia, when he was confronted with the comments that this hospital might be closed. He called those comments ridiculous. He said, 'I reject it forever. It's not something that is going to be done by the government.' But what has happened? We now have an announcement that the Repat is going to close. Shame on Labor!

More than that, we hear from the minister himself, the current minister, the member for Playford, minister Snelling, in July 2013. I want to read into *Hansard* what he had to say to the veterans community in South Australia before the state election:

[South Australia] Health is dedicated to maintaining the same high level of care that veterans and the local community have come to expect from the Repat, both now and into the future.

That is what he said before the election. He went on to say:

The Repat will continue to specialise in the care of older people and veterans, providing high-quality care from the acute stages through to palliative care.

That is what the minister had to say before the election. But even after the election this government maintained its position to support the Repat continuing to operate in South Australia. Let's hear what acting minister Close, the member for Port Adelaide, had to say. This comment was made in August of last year, not five years ago, not 10 years ago, just in August of last year—interestingly, before the two by-elections. She said:

I can assure you that SA Health and the Repat are dedicated to maintaining the same high level of care that...the local community have come to expect from this hospital. The Repat Veterans Service Guarantee will be upheld and the Repat will continue to specialise in the care of older people and veterans, providing high quality care from the acute stages through to palliative care.

She repeated the words of the minister. The government repeated the promise to the people of South Australia—made before the election in 2014 and repeated in August 2014—and they ruled it

out. They said that it cannot be done but, of course, now they have gone back on that. This is a government and a minister who cannot be trusted.

When the final Transforming Health report was released, veterans read the document with horror. The Repat was to close. Why? I will tell you why, and it is important for us to understand why important critical services to the veterans community are being cut in South Australia, and that is because this government, after 12½ years of Labor mismanagement, is broke. The deficit last year was \$1.2 billion, the largest deficit in this state's entire history, and that is why we are in such a perilous state in South Australia.

Health has to play its role and this minister has to play his role. Let's have a look at the budget blowout in this department over the last five years. We could go back longer, but let's not run out of time. Let's have a look at the last five years. Last year, in a single year, in one single calendar year this government blew its health budget by a staggering \$176 million; the year before, a \$216 million blowout in a single year; the year before that, a staggering \$397 million blowout in one year; the year before, \$126 million blowout; and the year before that, a \$329 million blowout.

What does that add up to? Let me tell you what it adds up to: over the last five years, this government, this minister, have been responsible for unbudgeted expenditure in our health system in excess of \$1.2 billion, and that is the reason the government is now talking about cutting services. They are cutting services because they cannot manage their own budget. They cannot be trusted to manage the budget in South Australia.

Let's just take a look at this important issue of the Repat Hospital. In the Sustainable Budget Commission report, which was handed down to this government in 2010, the Sustainable Budget Commission said that the total savings that would be derived by the government from closing the Repat Hospital, which has been under consideration—ruled out by the government, but under consideration for a long period of time—would be \$14 million. Let me tell you, if the budget blowout had been contained last year and eliminated from last year's budget, you could continue to run the Repat Hospital in South Australia for 14 years, instead of the budget blowout that has occurred under this minister and under this government.

It is not just recurrent expenditure, annual expenditure, it is of course the gross mismanagement of the capital budget in this portfolio over an extended period of time. Take, for example, the new Royal Adelaide Hospital project. When this was first promised, when it first went to cabinet, this was a \$1.7 billion project. Since then we have had a \$621 million blowout and we are still not there. Let me tell you, if anybody honestly thinks that the blowout in the new Royal Adelaide Hospital project is going to be limited to \$621 million, think again. There is plenty more to come, because this government has proved over an extended period of time that they cannot manage the budget. They cannot manage our economy and they certainly cannot manage health in this state.

In December, the minister snuck out just before Christmas—some of the media were still here, but many of them were on holidays—a press release saying, 'We've had another slippage on the project for the new Royal Adelaide Hospital.' What is this slippage? Is it a \$5 million slippage, is it a \$10 million slippage, or is it a biggie, is it a \$20 million slippage? No! It was a \$176 million slippage in this project, snuck out just days before Christmas while people were going about doing their Christmas shopping.

And what was this blowout? I will tell you what this blowout was. This government never ever considered doing one important thing and that was putting a budget line in for transferring from the existing Royal Adelaide Hospital to the new Royal Adelaide Hospital. The opposition has been raising this issue for an extended period but no, the government knew better. They thought they could just switch one off one day, lock up the doors, go down, open up the doors of the new hospital and start operating. We have been saying that that is not how it has worked in any other major hospital transfer, but they knew better. Guess what? They got it wrong and they got it wrong by \$176 million, because they cannot manage money, they cannot manage the economy and they certainly cannot manage health in South Australia.

What is this government's response to their overspending, their overspending on the new Royal Adelaide Hospital, their overspending on the Oracle project, their overspending on the EPAS project, their annual expenditure blowout to \$1.2 billion over the last five years? Are they going to

look at reining in their over budget expenditure? No, they are just going to cut services. They are going to cut services to the veterans' community in South Australia, the men and women who have served our nation, the men and women who do not deserve this disrespect from this government.

Approximately 6,000 veterans are admitted to that hospital every year, men and women who have served our country, plus their families, plus the war widows in South Australia. This decision by Labor will affect many more South Australians than just our veterans' community. People may not know this and I would like to put it on the *Hansard*, because I think it is important to know that there were nearly 19,000 people admitted to the Repat Hospital in the last financial year. It is a very substantial hospital.

There were 136,000 outpatient consultations in a single year. There were 4,438 elective surgery operations completed at the Repat in the 2012-13 financial year. That is almost as much elective surgery as is done at the Lyell McEwin Hospital in South Australia, and it is more than either the Modbury Hospital or the Noarlunga Hospital, but this government says we are going to close it. We are going to close it and somehow absorb that enormous number of elective surgery operations into the other hospitals in South Australia, the other hospitals that are already under enormous pressure from the mismanagement of 12½ years of Labor management in the health system in South Australia.

Take a look at orthopaedic surgery in South Australia. Almost a quarter of all orthopaedic surgery in this state is done at the Repat. Where is it going to be done now? We have no idea. Twenty-nine per cent, almost 30 per cent, of the state's urology surgery is done at the Repat. Where is it going to be now? This is the problem. This is the problem for South Australia. We have a government that wants to cut these vital services and they are not giving us a picture of what is going to be happening going forward. I will tell you what is going to be happening going forward: it is going to be chaos and one person is going to be to blame and that is the current Minister for Health.

Most disturbing is the way in which this government has arrived at this position. At the same time that the government has been assuring the veterans community in South Australia that their facilities are going to be preserved, the government has been letting these facilities become run-down. Take a look at Ward 17: it is in a disgraceful situation. The government has known about this for an extended period of time, but they have allowed these facilities to become run-down over time.

They have also started to whittle away at the services. Do not forget: this is the government which closed the ICU. This is the government which closed the acute referral unit, again pushing more and more people to the emergency department—where? At Flinders, the hospital that cannot deal with the current capacity. This government has been driving more patients to that facility in South Australia.

The minister has gone to great lengths recently to say, 'We have been consulting on this for an extended period of time'—what a load of rubbish. I asked members of the Veterans Advisory Council and the Veterans' Health Advisory Council when they first learnt about this change of policy, this decision, this backflip on their commitment. They said they found out about it when it was on the television. That is absolutely disgraceful. It is completely and utterly disrespectful, but this is something that we have come to expect from this government.

In the remaining minutes, I would like to highlight some other issues regarding this decision by the government to close the Repat Hospital. First of all, I must say it is very disturbing to hear these repeated claims that staff who are working at the Repat Hospital have been gagged. This is, again, something that the minister comes out and denies, but nursing staff and other staff down at the Repat come and tell us it is absolutely factual. They are telling us and they are telling the media, so who is telling the truth?

The consultation on this has been an absolute farce, the government has already made its decision, and we have no idea of the detail of this decision. Where is Ward 17 going to be? Is it going to remain at the Repat, like the veterans minister wants, or is it going to be more centrally located, like the health minister wants? We have no information. What we do know is that the government is going to stick the wrecking ball through the existing facilities, many of them upgraded on that site in recent years.

We have only just completed the 20 new subacute care beds down at that site on that campus at an enormous cost of \$32 million. What is going to happen with that? Are we going to be sticking the wrecking ball through that, just like they are at the existing Royal Adelaide Hospital site? What about Ward 18? That aged acute mental health ward was completely refurbished in 2006-07, not that long ago, at enormous cost to this state. Are we going to be sticking the wrecking ball through that? What about the \$6 million we spent in 2013 on the 4th Generation Rehabilitation centre at the Repat? What is going to happen to that? Are we going to be sticking the wrecking ball through that, or has the government actually done a deal with somebody?

Have they done a deal with no transparency? Is this going to be another Gillman? Is this going to be another example of where the ICAC Commissioner is going to have to come in and conduct an investigation into maladministration by this government? We have no idea what this government's plan is for that campus. All we know is that they are broke; all we know is that they want to sell off land to prop up their bottom line, which is looking so sick after 12½ years of Labor government.

Deputy Speaker, can I just say to you that in 1995 the government of South Australia signed a deal with the commonwealth, and that contract that they signed says that the Repat 'continues as a centre of excellence, maintaining its role as an acute care, teaching institution with links to the Flinders University', that the word 'Repat' would be kept in its name, and that 'treatment services continue to be available to entitled veterans and war widows, irrespective of their place of residence', and it goes on. It is a contract.

Let me tell you that this government has torn up this agreement. They have torn up this sacred agreement with the veterans here in South Australia and they are sitting here laughing. They are sitting here laughing at the veterans, because they have done what they always do, and that is to turn their back on the promises that they have made.

*Members interjecting:*

**The DEPUTY SPEAKER:** We can't continue until there is order in the chamber.

**Mr MARSHALL:** This government should hang its head in shame. They have torn up the contract they had with the commonwealth, they have turned their back on the veterans community in South Australia, they have turned their back on the more broad community that exists in that region in South Australia, they have mismanaged health for an extended period of time, and this minister and this government should hang their heads in shame.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (12:14):** I move to amend the motion as follows:

Delete paragraphs (c) and (d).

**Mr Gardner:** There isn't an amendment standing in your name, Jack.

**The Hon. J.J. SNELLING:** The amendment has been circulated, and that is to delete sections (c) and (d) of the motion as proposed.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! It would seem that it is actually at the table but hasn't been distributed. So, we apologise for that.

*An honourable member interjecting:*

**The DEPUTY SPEAKER:** I can't do anything about that; it's here.

*Mr Gardner interjecting:*

**The DEPUTY SPEAKER:** Well, I didn't see it, I'm sorry. I apologise for that. Do you want to wait until it comes back into the chamber or are you happy for the minister to read it?

**Mr GARDNER:** It's up to you; you're in the chair.

**The DEPUTY SPEAKER:** Well, it's up to you; I have given you the courtesy.

**Mr Marshall:** We can't debate an amendment if we haven't even seen it and considered it.

**The DEPUTY SPEAKER:** Do you want it adjourned?

**The Hon. J.J. SNELLING:** If the opposition want an opportunity to consider it.

**Mr GARDNER:** Madam, there are other speakers who are willing to debate the motion. It has been on the *Notice Paper* for two weeks. The minister has not chosen to circulate his amendment.

**The DEPUTY SPEAKER:** That's not true; the minister had lodged it at the table, and the table has apologised.

*Members interjecting:*

**The Hon. J.J. SNELLING:** The amendment is quite simple, even for the opposition.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.J. SNELLING:** The amendment is to delete paragraphs (c) and (d) and I have so moved. Madam Deputy Speaker, the opposition have been treating health policy in this state like the petty ambulance chasers they are. Every time that something happens in our hospital system, every time some patient does not get treated quite as well as they want, every time someone has to wait some time in an emergency department, they are all over it like banshees, Madam Deputy Speaker. Like the banshees that they are, they are all over it any time anything happens.

**Mr KNOLL:** Point of order, Deputy Speaker.

**The DEPUTY SPEAKER:** Point of order—and you have a number for us?

**An honourable member:** We're not animals—unparliamentary language.

**Mr KNOLL:** The minister has used unparliamentary language in his—

**The DEPUTY SPEAKER:** 126—you are objecting to a word?

**Mr KNOLL:** Yes, ma'am.

**The DEPUTY SPEAKER:** 126—are we happy to withdraw 'banshee'?

**The Hon. J.J. SNELLING:** Well, Madam Deputy Speaker, if you direct me so, I will do so, but otherwise I am rather attached to it.

**The DEPUTY SPEAKER:** Shall we divide under 'banshee', or are you happy to remove 'banshee'?

*Members interjecting:*

**The DEPUTY SPEAKER:** Remove banshee.

**The Hon. J.J. SNELLING:** Alright, Madam Deputy Speaker, I am happy to withdraw the word 'banshee'. But, Madam Deputy Speaker, it does reflect the way the opposition pursue health policy in this state, and it is why they remain, after 13 years, in opposition. I need only reflect upon the letter, the email, that Dr Phil Tideman sent to the Leader of the Opposition in response to the Leader of the Opposition's email, where he talked about the opposition's pathetically inadequate response to the Transforming Health proposals—and I could not put it any better myself, because the opposition's approach to health policy in this state is simply to see it as an opportunity to mine for whatever political points they think they can get and to try to take advantage out of—

*An honourable member interjecting:*

**The Hon. J.J. SNELLING:** You didn't address the motion, so don't lecture me, mate.

*Members interjecting:*

**The Hon. J.J. SNELLING:** Madam Deputy Speaker, the opposition just go around—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I remind all members that the business of the house has to be conducted with decorum. Unfortunately, if this debate is going to get this way, I will have to start calling people to order. One speaker on their feet at a time. I ask the minister to continue.

**The Hon. J.J. SNELLING:** Madam Deputy Speaker, the opposition's—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.J. SNELLING:** Madam Deputy Speaker, the opposition's approach to health policy is to try to take advantage of any human tragedy that they can find in our health system to try to score a few cheap political points, and what better example than last year, Madam Deputy Speaker—

**Mr GARDNER:** Point of order, Deputy Speaker.

**The DEPUTY SPEAKER:** We have a point of order.

**Mr GARDNER:** Imputing improper motive is clearly evident in that statement.

**The DEPUTY SPEAKER:** Perhaps I could ask the minister to continue and to observe standing orders.

**The Hon. J.J. SNELLING:** Madam Deputy Speaker, they can try to disrupt me with frivolous points of order all they want, because they do not like the truth. Last year, we had no better example of the way the Liberal Party in this state approach health policy—

**The DEPUTY SPEAKER:** Order!

**The Hon. J.J. SNELLING:** —than when the Leader of the Opposition came into this chamber—

*Members interjecting:*

**Mr PEDERICK:** Point of order, Madam Deputy Speaker.

**The Hon. J.J. SNELLING:** There they go, they don't like to hear it.

**The DEPUTY SPEAKER:** Member for Hammond, you have a point of order?

**Mr PEDERICK:** Point of order, Madam Deputy Speaker: relevance, 128—the minister is not responsible for what the Liberal Party says or does.

**The DEPUTY SPEAKER:** I will listen to the minister's contribution. Minister.

**The Hon. J.J. SNELLING:** When the Leader of the Opposition came into this chamber with the outrageous allegation that an elderly lady had died at the Noarlunga Hospital waiting to be transferred to the Flinders Medical Centre, no greater mistruth has ever been peddled in this house.

**The DEPUTY SPEAKER:** We have a point of order.

**Ms CHAPMAN:** Not only is this not relevant to the debate on the motion before the house but, Deputy Speaker, you have already ruled on this matter and the minister is clearly defying your earlier ruling. He just keeps repeating back to this particular incident, which has nothing to do with the Repat Hospital but is something to do with the Noarlunga Hospital. How many times does he have to be told?

**The DEPUTY SPEAKER:** I think the debate has been wide ranging this morning on your side as well, so we will ask—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.J. SNELLING:** Thank you, Deputy Speaker.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.J. SNELLING:** I know they do not like to hear it, but it is the truth.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.J. SNELLING:** It is quite proper that they should be ashamed of themselves and they should hate it every time this particular sordid incident is referred to in this place. I am not surprised that they are getting up on their hind legs all the time to try to silence me, but here we have a good example. It is a good example of the Liberal Party's approach to health policy in this state: that they would use the death of an elderly lady, try to link it to delays in our emergency departments, and they were factually incorrect. They had not bothered to check their facts.

What happened as a result of this? The Coroner was forced to reopen the case into this lady's death. For some time the family were informed that the funeral they had arranged for this lady was not going to be able to proceed because the Coroner would have to reopen the case. What a disgrace. What a disgrace the Leader of the Opposition is to this place. He should be hanging his head in shame for his behaviour last year in this particular incident. If anyone is to be hanging their head in shame, it should be the Leader of the Opposition.

*Members interjecting:*

**The DEPUTY SPEAKER:** I am sure the minister is going to move on to the Repat.

**The Hon. J.J. SNELLING:** I am more than happy to, Deputy Speaker, but the Leader of the Opposition was quite happy to give a very wide-ranging speech as part of moving this motion and I think I should have—

*Members interjecting:*

**The DEPUTY SPEAKER:** I will have to leave the chamber if we keep conducting the business of the house in this fashion. As far as I know we listened to you mostly in silence. Every speaker is entitled to be heard in silence. I would ask the minister to come to the Repat, which is what you have asked. We are now going into that in silence.

**The Hon. J.J. SNELLING:** With regard to the Repatriation Hospital, we all have an enormous attachment to the Repatriation Hospital, but there are some undeniable facts.

**Mr Pederick:** Especially people who have served our country.

**The DEPUTY SPEAKER:** The member for Hammond is called to order.

**The Hon. J.J. SNELLING:** There are some undeniable facts. Firstly, I should state that the Repatriation Hospital has wonderful clinical services and I pay tribute to the hardworking doctors, nurses and allied health professionals who deliver wonderful services not only to veterans—because veterans make up at any one time about 10 per cent of the patients being treated in the Repatriation Hospital—but to a significant proportion of people who go there seeking the services of the Repatriation Hospital. They do a wonderful job, and anything that the government decides with regard to the future of the Repat is not in the slightest way a reflection on the hardworking clinicians who deliver wonderful services in there.

However, the majority of the physical infrastructure does date back to the 1940s and is quickly approaching the stage where, even if it was able to be given a major revamp, it still would not be fit for purpose. It would still not be able to be used as a modern hospital, because much has changed in health care since the 1940s. Regardless of what happens with this consultation, a government will one day have to make a decision about the future of the Repat and about what it is going to do.

One of the problems we have in South Australia with the way we deliver health services is that we are too thinly spread. We try to do too many things at too many different sites and sometimes, as a result of that, not through any fault of the clinicians delivering the services, the care of South Australians can be compromised. It is not because the clinicians are doing a poor job but simply because of the way our system is configured.



If we are to get the best and consistent health outcomes, we need to consolidate some of our sites. The Repatriation Hospital, given the age of the infrastructure, is obviously up for consideration as a venue where we would be looking to remove our inpatient facilities. Having said that, I should point out that with regard to services to veterans, in my consultations and discussions with the veteran community the most significant service on that site of most importance and relevance to modern veterans—the veterans coming back from Afghanistan, Iraq and Vietnam—is Ward 17.

Ward 17 is currently a centre of excellence for the treatment of people with post-traumatic stress, but it is in an aged building. It has been referred to by others (not by me) as squalid, from memory. It is not fit for the modern treatment of patients with post-traumatic stress. Veterans groups have been asking for a very long time for a new facility to be built. What I made quite clear is that, to ensure that we continue to deliver high-level services to veterans into the future, as part of this decision the government is committed to rebuilding a new Ward 17.

We have asked Dr Susan Neuhaus (I think she is Professor Susan Neuhaus) to co-chair a clinical group to start looking at what the models of care might be for the new Ward 17; from that, we will be making decisions about where that might be located. I have been quite open that a possible location could remain at Daw Park. That is certainly a possibility, but it will depend very much on the work that this clinical group does about what the new model of care should be for the treatment of patients with post-traumatic stress.

This government is absolutely committed to the care of veterans and looking after those who have served their country, but we do have to understand that the needs of modern veterans have changed. Hopefully, we will never again engage in a conflict where hundreds of young men come back from the front after being involved in a mass casualty war like World War II. That is why the Repatriation Hospital was built: to look after large numbers of young men and women coming back from war with injuries that needed a long time to recover from.

Modern conflict is much different, and the Minister for Veterans' Affairs, I am sure, can talk about this far more eloquently than I can. The fact is that Australia's commitments to overseas have been much smaller, with professional armed forces. Generally, when an injury happens, they are very well looked after by military forces, and the number of injuries, thankfully, are relatively small. One area where our system is lacking is looking after veterans who, sometimes decades afterwards, are presenting with post-traumatic stress following their involvement in overseas conflict.

The proposals we have put are about making sure that veterans get the best possible care and that they are treated in modern facilities, rather than being left in what is basically a museum piece.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:28):** I rise to support this motion and object to the deletion of paragraphs (c) and (d), as proposed by the Minister for Health. At home, I have a wooden engraving with an etching of the Repatriation General Hospital on it and a commendation in appreciation of the very long service of my father on the board of the Repatriation General Hospital. It represents recognition of those who serve in a voluntary way, not just on the board but in so many other ways, in the 70-plus year history of this hospital.

I think what most people do not appreciate about this hospital is the fact that it was actually built not just for the repatriation of veterans and for war widows: it was built right from the start to serve the civilian population—and it has—40 per cent plus of the civilian population ever since its inception.

Secondly, it is now the only freestanding veterans hospital in Australia and the only one left with a ward 17 which is specifically dedicated to the care of those who are suffering mental health issues, particularly post-traumatic stress from conflicts in which our men and women have served. So, its history and its special place in South Australia I think are very important.

I think it is a disgrace that this government has moved from a position under premier Rann to commit to ensuring that this hospital would remain, that the board would remain, that it would remain as a dedicated hospital and that it would 'not change', to use the premier's words at the time, 'until the diggers want it to'.

It is a disgrace that the Minister for Health, who has been a minister for veterans, and who has made myriad moving speeches in this state about the importance of the contribution of men and women of South Australia to this state in his capacity as a former veterans minister, should stand here in this house and now tell us that it is surplus to requirements, that they need to streamline health services across the state but not admit that there has been a financial muck-up on their part when they are clearly in a position where they need the money.

They tell us that they have appointed a clinical ambassador—Dorothy Keefe—to come out and tell South Australia that they need to deliver quality, that that is an imperative of their reform in relation to health and that, as part of that structure, it means the downgrading/disposal of the Repatriation General Hospital as a hospital for acute care.

Let me say this: if the government have a problem with the health services they deliver in this state, they ought to take a look at the minutes of the board which reported to the previous government and this government. Consistently, year after year, it is the only single public hospital in the last 20 years in this state that has delivered a balanced budget. It is the only one, if you had ever to find a public hospital in this state that has done what was asked of it—delivered a quality service, reformed when appropriate, provided more services, initiated and built capital works—and every year balanced the books.

Ask the other ministers who have been health ministers in this state and see how bad the administration has been of other public hospitals compared with the Repat and ask yourself a serious question: if ever there was an emblem of excellent quality, acute and other allied health service care to South Australia, in a balancing of the books environment, is it not the Repatriation General Hospital?

It should be held up as an example in this state of a hospital that has done what it said it would do, done it well and done it within its budget. Yet the government has slowly but surely completely ignored its promises, ignored the efficient management of this hospital, ignored the great and valuable contribution the Repat has given to health and training in this state and said, 'It's just surplus to requirements. We need to streamline; it's got to go.'

The leader has clearly pointed out how difficult it is going to be to deal with the tens of thousands of procedures which this hospital currently carries out, which are apparently going to be absorbed into a system which is not functioning well and which, as Dorothy Keefe tells us, apparently gives us 500 deaths a year that should not happen. They are going to remove the iconic piece of the health structure out of the system and ask that it be absorbed into a system that is apparently haemorrhaging. What an idiotic process that is. I think the government should hang its head in shame for ignoring completely the efficiency of this hospital.

As for Ward 17, can I say this: probably many other members have been through Ward 17, as I have on a number of occasions. It has served returned veterans, particularly men from the Vietnam conflict, and continues to provide that service today. Veterans of the Vietnam conflict are the greatest single cohort, other than Korean veterans, who have been provided services over a sustained period in this state. The government says, 'We're going to appoint a committee to think about where we might transfer them, perhaps to a central location.'

How dare he come into this house and talk about a Transforming Health model without even having sorted that out, without even having discussed with the people who deal with the mental health and recovery of our veterans (a) if they want to stay there, or (b) where else they might want to go and what other services they might have. Yes, the infrastructure is tired and completely below standard for the men and women we have asked to serve us and risk their lives for us. Absolutely right.

They built a ward 18 which, I think, was started under the time of Mr Brown as the minister for health. It is completed, it is beautiful, it is great for aged civilians who require mental health services. It is right next door and it is beautiful. Yet, in all these years, this government has done nothing to even improve the amenity for those who are in Ward 17 which provides services to veterans. It is disgusting.

If the government think they are going to come up with a committee and throw in \$15 million for services—which would be lucky to pay for a couple of coffee rooms to be added onto a hospital—

that will obviously be inadequate for our mental health patients and those returning from conflict with mental health problems. Professor Neuhaus, who has been appointed, has told me (and I am sure others) of the very significant legacy we have from subsequent conflicts and in which our men and women of South Australia are still serving—and dying—and they need a service.

If this government think they can throw them into some sort of cardboard cut-out that is added onto another hospital or shove those who are in very serious need of high-level acute care into Glenside, well think again. Think how they have stuffed up the Glenside Hospital already. If they think they can lock up our veterans into the secure care there, they will have a riot and there will be blood on the streets over this. Mark my words! They will not put up with this. It is a disgrace, and the member for Waite should hang his head in shame as well. He sits there with the government. The other day he lined up and gave me this drivel in a ministerial statement about what is going to happen with an iconic site in his own seat. It is a disgrace, and he should hang his head in shame.

**The SPEAKER:** The Tiber flowing, foaming with blood. Minister.

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (12:37):** I am delighted to rise to speak to this motion and to commend parts (a) and (b) of the motion which are very easy to support because they talk of the wonderful achievements of a fantastic hospital with a marvellous group of clinicians and professionals who, for over 73 years, have served us proudly. Those parts of the motion reaffirm a commitment, which I think everyone in this house would have on all sides, to veterans' health and health in general. I will be supporting the Minister for Health's amendment to remove parts (c) and (d) which are inappropriate and which do not really help the debate. In all of this, I am not so much interested in the politics as I am in what is in the best interests of veterans and the health needs of the community.

I sense in this motion, and in the debate that has followed the government's announcement about health reform, that the opposition understandably—and that is their job, I do not blame them for that—sensed a political opportunity. That is what is dominating their thinking rather than what is genuinely in the best interests of the community's health needs. I understand—and I think the public understand—that political argy-bargy, but I think on this subject it is important we focus on what is best for health, what is best for the elderly and what is best for veterans.

It is there that I want to focus my remarks from two perspectives: one as the Minister for Veterans' Affairs and one as the local MP who grew up only a few blocks away from the hospital. I start first as the Minister for Veterans' Affairs because I want to dispel claims that have been made that there was no consultation. It was consulted most thoroughly, actually, by the Minister for Health in August 2014 with clinicians.

In order to establish the quality of care standards, advisory groups were formed under Professor Dorothy Keefe, clinical ambassador for Transforming Health and, of course, in October 2014, Transforming Health proposals were made in our discussion paper that was released publicly. In November 2014, the health minister held a Transforming Health summit and 600 people attended. On 3 February, the health minister released the Delivering and Transforming Health Proposals Paper outlining a plan and delivering services that meets the principles and standards agreed on the previous phase of consultation.

Public and interested parties have had 23 days to respond to this current phase of consultation which has been going on for some time, and it has dealt with emergency care, specialised complex services, services for older people, comprehensive rehab services, mental health, better services for veterans and a host of other issues. Of course, the consultation will be going on and there will be subsequent phases of consultation as each part of this plan is taken to the community, considered, discussed and diagnosed in detail, and then slowly progressed.

Times have changed, both for our health system and for veterans. At the time the Repat was established after World War II there were large numbers of veterans, many of them having suffered physical and mental trauma. There was a need to accommodate the needs of thousands of veterans and their families. It was a different time with a different need and the very nature of hospitals was different at that time. Of course, in those days we did not have MRI machines or expensive and

complex procedures and devices. Hospitals were much cheaper to run in the 1940s and 1950s than they are today, and as the Minister for Health has mentioned, the system has just run too thin.

But so too the needs of our veterans have changed and this has been consulted thoroughly with veteran leaders throughout its progress. I know that for a fact because I have taken groups of veterans to meet with the minister prior to it being announced. Veteran leaders throughout the community have been consulted in detail. Of course, not every veteran was consulted, nor was every doctor or every nurse, and there will be different points of view on this, but veterans have been consulted and veteran leaders generally acknowledge that veterans need first-class health care close to where they live or work.

Veterans live in the north of Adelaide, veterans live in the south, they live in the west, they live in the centre of Adelaide, they have heart attacks, they have strokes, they have car accidents, they fall off ladders like everybody else, and they have physical traumas, and when they have them they need to go to an emergency department that can meet their needs and because the health system is spread so thin we do not have such facilities. They need improvement and that is why when you look at the positives of Transforming Health you see a \$252 million investment in improving those facilities and you see that we are going to get \$154 million spent at Flinders Medical Centre, not only on improving the ED there and stopping the ramping but on rehab facilities, \$32 million at Modbury Hospital, \$20 million at The QEH and \$15 million at the Noarlunga Hospital.

That means there will be better EDs, rehab facilities, hydrotherapy, gyms and so on, for veterans and for the elderly at hospitals close to where they live and work. Remember that many of these veterans have the gold card—not all, but many—and they choose to use hospitals other than the Repat. As the minister has explained, fewer than 10 per cent or so of the patients at the Repat are veterans. It is really a general hospital and that would probably be consistent with other hospitals where probably 10 per cent or slightly fewer are veterans. It is another hospital in our network. In nine hospitals the resources are spread too thin. By concentrating it into six hospitals, we will get better services where and when we need it, including for veterans.

This is a brave reform. I was the shadow minister for health for a couple of years and I can tell you it is easy to be the shadow minister for health. There is an opportunity every day, but I remember as I was doing it thinking, 'You know what? This would be the toughest portfolio to have in government.' I do not know if I would be volunteering. I think it would be daunting. I have seen it drain ministers before my very eyes over the years I have been here, and can I commend the Minister for Health for having the moral courage to at least come forward with a reform plan. The last time was Dean Brown who came forward with some brave reform options, including the sale of Modbury Hospital to the private sector, and we now have a minister who has had the courage to bite the bullet, front up to the tough decisions and come up with a reform plan, and the Repat decision needs to be viewed in that context.

On previous occasions—and the opposition is right to observe them—talk of cuts to the Repat in the context of Sustainable Budget Commission reports and so on have been made in the context of cuts. This reform is being made in the context of an entire health reform plan that seeks to improve the health system and make it more affordable and of a higher quality for all. It is the first time I have seen anything proposed in the context of measures that seek to improve the system, and for that reason I think it needs to be viewed differently.

Can I also say that the government of 2010 is a completely different government to the government of 2014. It has got a different cabinet, comprised of different people, with a different Premier, and with a different refreshed and new approach. It is a different government, and its proposing this in the context of an array of new and bold measures.

I think the new facilities in the remaining six hospitals will provide better care for veterans, and that is what veterans think too. I have spoken to them on the veterans health advisory committee, I have spoken to the veterans advisory committee, I have spoken to veteran leaders everywhere. I agree with the minister that Ward 17 is a key issue. I have complete confidence that Professor Susan Neuhaus, with whom I previously served in the Defence Force, will do a wonderful job, with Professor Dorothy Keefe, David Everitt, Brigadier Laurie Lewis, Professor Tarun Bastiampillai, and Taryn Cowain, in determining the best and brightest future for Ward 17.

I have no doubt that what we will finish up with is a better Ward 17 than we have at the moment, and I have had young veterans tell me the facilities are too old and they need renewal. I hope it will be at Daw Park, I sincerely do, but we will leave that to the clinicians and the experts under Professor Susan Neuhaus.

I am also delighted that the chapel, the gardens, prosthetics, the private health facility and, I hope, the hospice, will be remaining there; that is all still open. I have no doubt that the private health sector will have an interest in some of the facilities there, and I hope that we see retirement homes for veterans established either by RSL Care or some other entity at the site.

I think the site will have an ongoing role both as health facility and a facility for veterans. So, I simply say: health reform is never easy, but it is necessary. The opposition make the right point that we have to live within our means. Health reform, education reform, government reform generally is part of that. To me, the number one issue in all of this is what is best for veterans and what is best for the health of our community.

I think, by focusing the resources that we have available to us in six hospitals instead of nine, both veterans and the elderly will receive better health care with the resources we have available to us. I think, too, that we will provide a health system that clinicians find more usable in better and more modern facilities and which patients will find better. I just say to the opposition: it is fine to raise these issues but you must have a plan as an alternative, and I would like to hear what the opposition's plan for health reform is, including the Repat, because I think that would then give us a debate of substance.

**Mr SPEIRS (Bright) (12:47):** 'The Repat Hospital will never close under Labor.' Those words were uttered by that great stalwart of sincerity, our former premier, Mr Rann, just a few years ago just after the Sustainable Budget Commission canvassed the concept of shutting this hospital. We know now that this could very well happen under Labor, and what a tragedy that will be for both our veterans' community, seniors in South Australia who rely on their specialist care provided by the Repat Hospital, and also many other families and people connected with that hospital.

A good opposition should speak up for those who are most disempowered and most voiceless in our community, and there is no doubt in my mind that this announcement of the closure of the Repat is something that directly affects those who are least empowered in our community and least able to speak up for what they believe.

So, as an opposition in this parliament it is vitally important that, while we should show leadership and should endorse good ideas that the government puts forward, we equally should be confident and comfortable condemning bad ideas and bringing them into the public domain and actually saying, 'Actually, we don't agree with this. This is bad for our health care and bad for the future of our state, bad for pensioners, bad for seniors and especially bad for our veterans' community here in South Australia.'

The Repat Hospital, we have just heard, the closure of this facility, has undergone extensive consultation. Four weeks for Transforming Health does not feel like 'extensive' to me, and I think we are drifting into that announce and defend zone that the Premier was so keen for us to avoid when he came into office back in 2011. I do not think announcing, consulting for four weeks, then defending really gets anywhere close to the debate-and-decide model he was so keen to propound.

Consultation should be far more than four weeks with such a significant decision being made and clearly it is a decision which entails a huge emotional attachment to this facility within the South Australian public. This is something that has brought about a realisation in my mind since this announcement was made that the future of the Repat Hospital could be in some doubt. The realisation in my mind was that there is a huge emotional attachment to this facility. There is considerable affection for it and a knowledge in our community of the great work that the Repatriation Hospital has contributed over its 70-plus years of operation at the Daw Park site.

To date we have really had no explanation from the government as to the 'why'. There have been statements that this is part of a modern future health service for our state and there has been some mention that this will go towards budget savings along the way but there has been no clear articulation about why the Repatriation Hospital has to close.

The statement was made by the Minister for Health earlier this morning that Ward 17 in that hospital was in a squalid state and he then referred to it as an historical relic. Well, 13 years in government is quite a long time and for any health facility, by the health minister's own admission, to fall into a squalid state under a 13-year government's watch, I think, is absolutely disgraceful. Firstly, to describe a health facility as squalid but then to admit that under your watch you have allowed it—and any health facility at all times should be in a situation which is clean, modern and accessible. Nothing should ever be allowed to get to a squalid state, and he stood here earlier this morning and described it as squalid in his own words. I think after 13 years they have quite a lot to answer for if our health facilities are in such a state that they can be described as squalid.

I want to refer briefly to the situation of gagging of staff. Of course, we know and I have made statements in the past about the way this government seeks to control its Public Service through the use of fear and intimidation. It is no secret that that is something that I have considerable interest in and not just in the health department and the health service but the wider Public Service. I have spoken on that already this week, but the idea of gagging staff, making them fearful for their jobs should they speak up about this matter and inject their own ideas—

*Mr Knoll interjecting:*

**Mr SPEIRS:** The member for Schubert reminds me of filming people in public meetings standing up. It is all about fear, it is all about control, and it really shows a government which is not treating its staff with respect. Staff should be part of this consultation, too. If staff feel that this is the wrong approach, they should not be—

*Members interjecting:*

**Mr SPEIRS:** Well, they have been. You say—

**The DEPUTY SPEAKER:** Order!

*Mr Pederick interjecting:*

**The DEPUTY SPEAKER:** I don't need help, member for Hammond, but thank you.

**Mr SPEIRS:** The handpicked bureaucrats and handpicked health officials who have been brought in to ensure the government's line has been sold on this, they are the ones who have been involved.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr SPEIRS:** I have spoken to quite a lot of health professionals who have significant concerns about the closure of the Repat Hospital. I have spoken to friends who have done their PhD training there in rehabilitative care and they are stunned that the government would go down this track.

I think the government is suggesting that you can just move this facility elsewhere and we will get a new build, a new unit, on another hospital's site, namely Flinders in most cases when it comes to breaking down the Repat. I think that shows a certain naivety in terms of the historic build-up of knowledge and experience that those bricks and mortar actually hold. There is a community that has been built up in that facility around rehabilitative care. People know the staff members who work there and who they can go and speak to about a specific issue. Staff members can build each other's knowledge and understanding. They can work together to have that experience and to use that experience.

If you move that site, if you break that up and if you break that down, that poses a significant loss of corporate knowledge. It also affects the capacity of our rehabilitative services to respond to the needs of our patients, of our veterans in particular, and also of our seniors. We have to remember that this hospital, while we do talk a lot about the services that it provides to the veterans community, also provides a vital service to geriatric health as well, which, given our ageing population, is also an area of expertise that we need to be continually building, not putting at risk.

Since the announcement that the future of the Repat Hospital is at risk, my electorate office has been inundated by concerned constituents. I just want to put onto the public record a couple of

statements that I have had from members of the community. In particular, the first one discusses Daw House, the hospice facility on that site. We saw Lyn Such yesterday state that this was perhaps the only facility like it in the country, and I thought that was an interesting insight that she was able to provide, obviously, from personal experience.

A constituent of mine, Megan from Hallett Cove, wrote to me about when her father was there suffering from terminal cancer. She said:

Daw House was amazing, right from the beginning, they looked after him, not just physically, but emotionally, my mother, brother and I were there for 10-12 hours everyday, they counselled us, they gave us art projects to do with him, they were a shoulder to cry on for all of us. It was as homely an environment as I could ever imagine.

She goes on to say:

Daw House is not an environment that can be replicated in a hospital...it just can't be, no matter how wonderful a job our local hospitals or palliative care...is. Palliative Care isn't just making someone comfortable and painfree in their final days, it's so much more than that, its more than just medication and diagnostic testing.

Daw House holds a precious place for our family now...

That is just one insight into the affection that this facility has in our local community. I believe that, if we put all this at risk and see the Daw Park facility close as part of this short-sighted government's health reform, I think that would be a tragedy for our state.

Time expired.

**Dr McFETRIDGE (Morphett) (12:57):** Mike Rann on 20 September 2010, on closing the Repat, said, 'It took one second to reject this dopey idea.' I guess Mike Rann has gone but the dopey idea continues. Closing the Repat is a really dopey idea. We heard the Minister for Veterans' Affairs say a few moments ago that veterans deserved an ED they can go to. Well, let me tell you what the capacity of EDs was at 12:21 today—around half an hour ago: the Flinders Medical Centre was at 98 per cent capacity, the Noarlunga Hospital ED was at 126 per cent capacity, The QEH was at 132 per cent capacity, and the Lyell McEwin was at 143 per cent capacity.

The government want to shut down EDs and they want to close hospitals. This is a health system that is already bursting at the seams. They have no real plan. There was no consultation on this, and I know that because I have spoken to senior clinicians who did not know about this; they had no idea. The war widows had no idea that this was going to happen at the Repat. It is a dopey idea that needs to be rejected.

The Minister for Veterans' Affairs asked about our plan. Our plan is to maintain the Repat, respect the veterans, and to respect the heritage that is there. The Repat is the spiritual home of veterans in South Australia, and it is far more than that. It is a general hospital. It does 3,500 arthroplasties every year. The orthopaedics department has 400 new referrals every month. There are 700 outpatient visits every month. Where are they going to go, Minister for Health? Tell us that. Tell us where they are going to go.

We know what happened when they closed the A&E at the Repat: those 7,000-plus patients went to the Flinders Medical Centre. Today it is probably a quiet time for them, at 98 per cent capacity. Let us remind this house what the AMA say about hospital capacity: a hospital that is operating at more than 80 per cent is full. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Sitting suspended from 13:00 to 14:00.*

*Petitions*

#### **TRAIN HORNS**

**Mr SPEIRS (Bright):** Presented a petition signed by 635 residents of South Australia requesting the house to urge the government to put into operation a less invasive train horn and explore policies for the use of train horns that will minimise their impact on residents in Hove, Brighton, Seacliff and Marino.

### QUEEN ELIZABETH HOSPITAL EMERGENCY DEPARTMENT

**Ms REDMOND (Heysen):** Presented a petition signed by 2,714 residents of South Australia requesting the house to urge the government to take immediate action to ensure that critical care services at The Queen Elizabeth Hospital are maintained and not to implement proposed changes to The Queen Elizabeth Hospital emergency department under the Transforming Health plan.

### NOARLUNGA HOSPITAL EMERGENCY DEPARTMENT

**Ms REDMOND (Heysen):** Presented a petition signed by 1,441 residents of South Australia requesting the house to urge the government to take immediate action to ensure that emergency services at the Noarlunga Hospital are maintained and not to implement proposed changes to the Noarlunga emergency department under the Transforming Health plan.

#### *Parliamentary Procedure*

#### PAPERS

The following papers were laid on the table:

By the Minister for Disabilities (Hon. A. Piccolo)—

Education Adelaide—Charter 2014-15  
TAFE SA—Charter

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

Adelaide Oval Licence Area Sub-Licence Agreement between the Minister for Transport and Infrastructure and—

Adelaide Oval SMA Limited dated 8 December 2014  
South Australian Cricket Association Inc. dated 8 December 2014  
South Australian National Football League Inc. dated 8 December 2014

#### *Question Time*

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:02):** My question is to the Minister for Health. Can the minister inform the house if his department or office have told staff of the Repat not to attend the Save the Repat rally tomorrow or risk losing their jobs?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:02):** No, I can't and I deny that that has happened.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:03):** Considering this is not the first time that issues of gagging have been raised with this minister—

**The SPEAKER:** Can the leader ask a question? If he wants to make an explanation, he can seek leave.

**Mr MARSHALL:** Thank you. Has the minister undertaken any action to communicate with employees within the department that they are free to attend the rally tomorrow?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:03):** I made my position quite clear that I welcome employees of SA Health getting involved in the debate. This is about engagement from the very beginning. The opposition has been peddling this idea that somehow people have been gagged or prevented from participating in the debate. Provide me with one example. Give me an example. Give me a name of an executive—

*Members interjecting:*



**The Hon. J.J. SNELLING:** Give me a name of an executive who at any time has attempted to prevent an employee of SA Health from participating in this debate—

**An honourable member:** Rod Hook.

**The Hon. J.J. SNELLING:** No, Rod Hook doesn't work for the Department for Health. Give me a solid example and I would be more than happy to investigate. This has been touted around for several weeks now and I am yet to see any evidence of this happening at all.

**The SPEAKER:** Before the leader asks his next question, I call to order the members for Flinders, Kavel, Heysen, Hartley, deputy leader, Mount Gambier, MacKillop and Morialta. I warn the member for Hartley for the first time and I warn the member for Morialta for the first and the second time. Leader.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04):** My question is to the Minister for Health. Does the minister accept that the 1995 commonwealth and state governments contract binds the state government to keep 'the Repatriation General Hospital as a centre of excellence, maintaining its role as an acute care teaching institution with links to Flinders University'?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:04):** The first thing I would say is South Australia has the last repatriation hospital in Australia so, if there was such a contract, it doesn't exist in any other state because ours is the last existing Repat. But I will tell you what: if the commonwealth wants to talk about contracts, I am more than happy to have a discussion with them about contracts because I recall a contract called the National Health Reform Agreement, where the commonwealth government promised that they would increase funding of state public hospitals rising to 50 per cent.

What happened to that contract? Without any consultation, without any negotiation, in the last federal budget it was torn up, completely repudiated by the current federal Liberal government. The mates of this lot tore up that contract—

**The SPEAKER:** Order!

**The Hon. J.J. SNELLING:** —and the commonwealth funding for state public hospitals, which instead of rising to 50 per cent, reduced to almost 20 per cent. So I'm more than happy to have a conversation with the commonwealth government about contracts.

**The SPEAKER:** There is a point of order and, before that point of order, I called the Minister for Health to order for referring to Her Majesty's opposition has 'this lot'. The deputy leader.

**Ms CHAPMAN:** I was on this occasion jumping to your defence, Mr Speaker—in particular, the reference that your friends are in Canberra.

**The SPEAKER:** I had a very nice lunch with Tony Abbott once.

**Ms CHAPMAN:** That may be so, but I would have thought, if that's not accurate, that is, that the federal Coalition aren't your mates, then that is an inappropriate reference.

**The SPEAKER:** And I like some of them very much. The leader.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:06):** Supplementary, sir: has the minister sought any crown law advice as to whether the 1995 agreement constitutes a constructive charitable trust binding the Crown?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:07):** I can only repeat what I have said before. This is the last repatriation hospital in Australia. If there was such a contract—

*Members interjecting:*

**The Hon. J.J. SNELLING:** —it certainly has been repudiated by every other side. As far as I am concerned, I won't be lectured about contracts with the commonwealth government.

**The SPEAKER:** Before the leader asks, after his last question I omitted (distracted by the point of order of the deputy leader) to warn the deputy leader for the first and second time, to call to order the member for Newland, to warn for the first time the members for Mount Gambier and Heysen, and to call to order the members for Adelaide and Morphett. Leader.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07):** Can the minister inform the house whether there is any finalisation date of this contract or any date upon which the binding elements of this contract are no longer valid?

*The Hon. T.R. Kenyon interjecting:*

**The SPEAKER:** The member for Newland is warned for the first time.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:07):** I've got nothing to add to what I have said but, as far as I am concerned, South Australia doesn't have any contractual obligations—

*Mr Knoll interjecting:*

**The Hon. J.J. SNELLING:** —to the commonwealth with regard to the Repatriation Hospital.

**The SPEAKER:** I call the member for Schubert to order. The leader.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08):** Given that, as part of this contract, the federal government turned over this commonwealth land to South Australia, are there any consequences for returning that land to federal ownership in getting out of this contract?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:08):** No, there is not, and I understand in every other state when the repatriation hospitals were closed they were sold off to private business.

*Mr Knoll interjecting:*

**The SPEAKER:** The member for Schubert, cogent though his interjection may be, is warned for the first time. Leader.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08):** Nevertheless, has the minister sought any legal advice on this matter of the return of the land to the commonwealth or, indeed, whether or not it does constitute a constructive charitable trust binding the Crown?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:08):** I haven't got anything to add to what I've said, sir.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09):** Does the government have any plans for the land post the closure of the Repat site?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:09):** We do. What I have already publicly stated is that we won't do anything without first consulting with veterans about the—

*Members interjecting:*

**The Hon. J.J. SNELLING:** I'm surprised that this should be news to the opposition. They have obviously been half asleep for the last three weeks. We have already made quite clear that we will not be doing anything to the site without consultation with veterans. I would expect that consultation to be led by the Veterans Advisory Council. I have made commitments about the heritage and historic aspects of the site, in particular the chapel and the memorial garden, that those will be protected regardless of what decisions we make. I would anticipate that there would be a great deal of interest for that site being used for a health, veterans, aged-care type facility, and certainly the government would be very open to that, but the only plans we have in place so far are that we will be engaging with veterans about the future of the site.

*Members interjecting:*

**The SPEAKER:** Before the leader asks his next question, I warn the members for Hammond and Adelaide for the first time and the member for Heysen for the second time.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10):** Can the minister guarantee to the house that this site will not be sold?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:10):** I can guarantee that it will not be sold without engagement with veterans. Of course, if someone came to us with a proposal in the line of what I have been talking about, that is, with regard to it having some ongoing health involvement and that involved the sale of the site, that is something we would consider, but I have made repeatedly clear that we will not be doing anything to the site without engaging with our veterans' community. The aspects of the site which are important to veterans and which have historic importance to South Australia, like the chapel, like the memorial garden, I have given an unequivocal guarantee that those things will be protected.

*Members interjecting:*

**The SPEAKER:** Before the leader asks his next question, I give the member for Davenport his maiden call to order, I warn the member for Adelaide for the second and final time, and I warn the Treasurer, who may think that when the Minister for Health is on his feet I can't hear him. He is wrong. The leader.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11):** Can the minister provide a guarantee to the parliament that the potential proceeds of any part of that property will be quarantined to serve veterans alone?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:11):** I am more than happy to give some consideration to that. I think that would be a worthy thing to do, but obviously we have a process in place. We will be consulting with veterans' communities and I am more than happy to give consideration that, if any part of the property was sold, we would work out a way of making sure that that was put to the purpose of services to veterans. I point out that the government is committed to rebuilding Ward 17 and will determine a site to do that. I think that shows the government's commitment to the health and wellbeing of our veterans.

#### REPATRIATION GENERAL HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12):** Just for clarification, is the minister suggesting that the entire proceeds of any partial or complete sale of the Daw Park campus will be dedicated completely to veterans' issues?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:12):** The Leader of the Opposition only needs to refer to *Hansard* to see what I just said and that is, I think that would be a worthy thing to do. I am more than happy—

*Members interjecting:*

**The Hon. J.J. SNELLING:** I'll answer the question how I see fit. I think it would be a worthy thing to do and I am more than happy to give it consideration.

*Mr van Holst Pellekaan interjecting:*

**The SPEAKER:** I call the member for Stuart to order. Leader.

#### HEALTH BUDGET

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13):** Given that the health department has had unbudgeted expenditure of \$1.2 billion over the past five years, can the minister update the house on the unbudgeted expenditure in the health department year to date?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:13):** The latest estimates are that we expect to be on budget for this financial year.

**Mr Tarzia:** We'll believe it when we see it.

**The SPEAKER:** The member for Hartley is warned a second and final time. Leader.

#### HEALTH REVIEW

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13):** Has the government modelled the projected savings associated with closing the Repat Hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:13):** Let me make this quite clear: this has never been about savings. This is about quality of care; it is principally about having to make sure that rehabilitation is incorporated onto the Flinders Medical site. We're making significant investment to build a new rehabilitation facility at the Flinders Medical Centre so that people's rehab can start much earlier than it currently does. I think that is a very worthy thing. That's what this is about; that's what this process is about. It is about getting consistent quality of care.

*Mr Pederick interjecting:*

**The SPEAKER:** The member for Hammond is warned a first time. Leader.

#### HEALTH REVIEW

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14):** I have a supplementary question. Is the minister telling the house that there has been no financial modelling done whatsoever regarding the closure of the Repat Hospital?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:14):** What I am telling the house is that this is a process about consistency of quality, and everything we have done so far are all the proposals about getting consistency of quality. Of course, as we get better quality across the system, as we get more consistent quality across our health system, we expect that will lead to savings because we are going to have more consistent bed stays in hospital, we are going to have earlier discharges, we are going to have fewer people having to return to hospital because something has gone wrong. All of those things will lead to a better quality health system and a more efficient health system and will inevitably lead to savings.

#### HEALTH REVIEW

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** Has the government updated the Sustainable Budget Commission 2010 determination that closing the Repat would lead to a \$14 million annual budget saving?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:15):** That hasn't been part of these considerations.

**HEALTH REVIEW**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** Can the minister perhaps provide some clarity to the house regarding his comments during question time on Tuesday when he said, and I quote from *Hansard*, 'We haven't modelled savings?' Is that correct?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:15):** I stand by what I have said in the house.

**ENTERPRISE PATIENT ADMINISTRATION SYSTEM**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** Can the minister provide an update to the house regarding the rollout of the EPAS project at the Repat?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:16):** It has gone very well. I know—

*Members interjecting:*

**The Hon. J.J. SNELLING:** Well, I'll tell you who I was speaking to: I was speaking to senior doctors at the Repat just the other day, and what they made quite clear to me is that their staff didn't want to go back to paper records. They were so happy with EPAS that they did not want to go back to paper records. Of course, the rollout of any IT system has teething problems. There have been problems, which we have already acknowledged, about outpatients' appointments at the Repat with regard to EPAS, but unequivocally staff there have said that they do not want to go back to the old paper records.

*Members interjecting:*

**The SPEAKER:** Before the leader asks another question, I call to order the member for Unley, and I warn the members for Morphett, Chaffey and Davenport and the Treasurer a first time. The leader.

**ENTERPRISE PATIENT ADMINISTRATION SYSTEM**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17):** Can the minister outline to the house what the total cost of implementing the EPAS system at the Repat has been to date?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:17):** I am happy to report back to the house.

**HEALTH REVIEW**

**Dr McFETRIDGE (Morphett) (14:17):** My question is to the Minister for Health. Given that the Southern Adelaide Local Health Network's facts sheet, posted on the website yesterday, states that the Noarlunga emergency clinic will 'provide services to any person with urgent but not life-threatening medical conditions', does the minister accept doctors' claims that to turn people away with life-threatening cases would be both immoral and unethical and they would not do it?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:17):** I do agree with that.

**RETURN TO WORKSA**

**Ms WORTLEY (Torrens) (14:17):** My question is to the Minister for Industrial Relations. Can the minister inform the house about the launch of Return to Work SA?

**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, Minister for Child Protection Reform) (14:18):** I thank the honourable member for her question. This government has been prepared to be bold and tackle very difficult issues and to take up challenges that have been confronting us and others for a great deal of time.

One of these important initiatives has, of course, been the creation of Return to Work SA and the reform of the entire workers compensation system.

In past years, workers, employers and the government have acknowledged that there were problems with the workers compensation system. Many people in the community were cynical about the scheme. Upon being re-elected and, indeed, in the lead-up to the election, as part of an election promise, the government was determined to take up this challenge. The reform of the scheme, the most substantial change to occur in nearly 30 years, is vital for the health and wellbeing of those workers unfortunate enough to suffer injury at work. The workers, employers and the state all suffer as well.

The reform scheme contains significant improvements in support provided to workers in achieving return to work, as well to employers who need assistance in participating in the return-to-work process. This new system will also reduce the annual premium needed to be paid by employers by about \$180 million each year and will virtually eliminate the existing unfunded liability of the scheme.

I recently announced the new Return to Work SA which will become an example for other jurisdictions seeking to improve the services they provide to workers and employers. I am excited about the initiatives such as the mobile case management approach. The face-to-face nature of assistance given to workers will increase workers' and employers' understanding of their roles and responsibilities and provide for an earlier return to work by the workers.

This reform is reflective of bold government. It was not easy but it was necessary. I was surprised only late last month to read an article by the Law Society's Mr Morry Bailes in InDaily. Mr Bailes claimed he felt there had been 'a conspiracy of silence' and questioned the level of public debate about these reforms.'

**The Hon. J.J. Snelling:** My mate, Morry?

**The Hon. J.R. RAU:** Your mate, yes. Any accusation of silence cannot be fairly directed at this government. I can assure the parliament that there was no conspiracy of silence in relation to this matter. Indeed, the government published a detailed policy of its intent prior to the 2014 election. Upon being re-elected, I undertook extensive consultation with employer organisations and the union movement for many months. I set about improving the level of communication and consultation with the medical profession. I held meetings with the opposition on many occasions; one of these briefings I was pleased to note was very well attended and included several shadow ministers. I also held meetings with members of the legal profession. In fact, Mr Bailes was in attendance at more than one of those meetings.

In his article Mr Bailes then answers his own criticism of the government by commenting that he believed the process to have been 'a valuable lesson in how to get parliamentary business done'. It is apparent that a bold government that carries out bold reforms can confuse some government critics but we are determined to continue carrying out the necessary changes that make South Australia a better place for workers and employers alike.

*Parliamentary Procedure*

#### VISITORS

**The SPEAKER:** Before I go to the next question I welcome to parliament students from Christies Beach High School and the Southern Vocational College, who are guests of the member for Reynell; students from Concordia College, who are guests of the member for Unley; and that outstanding former representative for the state district of Heysen, Mr David Wotton.

*Members interjecting:*

**The SPEAKER:** Yes, he did manage to hold Heysen. The member for Newland reminds me that he was a candidate for Heysen once, vanquished by the Hon. David Wotton. The member for Stuart.

*Question Time***SA PATHOLOGY**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:22):** My question is to the Minister for Health. Who is undertaking the review of the use of covert surveillance in SA Pathology, has the report been received and what are the findings?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:22):** I don't have that information with me. I am happy to get a report back to the house.

**SA PATHOLOGY**

**Mr VAN HOLST PELLEKAAN (Stuart) (14:22):** I have a supplementary question. Can the minister confirm that he has received the report?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:22):** I will have to get back to the house; I don't have the information with me.

*Mr Pisoni interjecting:*

**The SPEAKER:** The member for Unley is warned. The member for Morphett.

**POST-TRAUMATIC STRESS DISORDER SERVICE**

**Dr McFETRIDGE (Morphett) (14:22):** Does the Minister for Health consider that it is feasible that the post-traumatic stress service be co-located to the Lyell McEwin Hospital as advocated by the federal Labor member, Nick Champion?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:23):** I think it was actually a resolution of the Playford council—from memory, chaired by that great member and stalwart of the Liberal Party Glenn Docherty and candidate for Newland; a great stalwart of the Liberal Party in the northern suburbs, and a very nice fellow, too—and Playford council—

**The Hon. J.R. Rau:** He met the royals.

**The Hon. J.J. SNELLING:** He did meet the royals, yes, and a treat he went down, too; although he was with William and I got to talk to Kate.

**The Hon. J.R. Rau:** You did, indeed.

**The Hon. J.J. SNELLING:** It was in faith the Playford council that first moved a resolution that Ward 17 should move to the northern suburbs. I certainly understand why they would call for that because there is a significant and growing young veterans community in the northern suburbs because of the Edinburgh base there and, of course, the soldiers based at Edinburgh who are returned from service in Afghanistan. I can well understand the case for doing that and I certainly have some sort of sympathy for it.

No, I do not think it is necessarily feasible. I think we would be looking at something somewhat more centrally located but, as I said, we have a process in place. I have enormous faith in Professor Susan Neuhaus. She is a veteran herself. She is the chair of The Repat Foundation and she will lead this work on both the model of care and location of the new Ward 17.

**CHILD PROTECTION**

**Ms SANDERSON (Adelaide) (14:25):** My question is to the Minister for Education and child protection. Given the minister has now had 24 hours to seek a briefing from her department, can the minister now guarantee that no students are working on cases of at-risk children as occurred with Chloe Valentine?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:25):** I do not mean to be petty, but the title is child development,

not child protection. I do not yet have an answer to provide. I have taken it on notice and you will be receiving that in due course.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:25):** My question again is to the Minister for Education and Child Development. Given the minister has now had 24 hours to seek a briefing from her department, can she now detail to the house whether other parents of at-risk children have been given a safety plan that condones the use of drugs as occurred with Ashlee Polkinghorne?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:26):** Again, that matter is already on notice and a response will be forthcoming.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:26):** My question again is to the Minister for Education and Child Development. Is Families SA still failing to investigate all tier 2 notifications to the Child Abuse Report Line as revealed by the former minister on 23 September last year?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:26):** It is the case that not all tier 2 notifications are investigated and there are a number of reasons why that is the case. Some are a repeat of a notification that has already been received in another form. In some cases it may be that Families SA is already undertaking work with that family and that that notification does not merit any particular investigation given the extent of the engagement that Families SA is already having with that family.

It is also the case that, if a matter is being addressed by SAPOL, for example, that will be regarded as closed from the notification CARL line, but will be being actively investigated through SAPOL and it is also the case that some are referred to NGOs for appropriate follow-up. So without wishing to be defensive about whether we can do a better job with management of notifications, and I am very aware of the considerations being undertaken by the Coroner at present and await with interest the result of that, there are multiple reasons rather than just one simplistic approach to understanding tier 2s.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:27):** Supplementary: can the minister please define her understanding of what a tier 2 is and what the policy and procedure is for dealing with a tier 2 notification?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:27):** That matter will be a matter of public record and I can obtain the detailed policy for you rather than recite it chapter and verse, but it is about being at risk of harm. I believe that is the terminology used, but I will get that clarified and make sure that you are equipped—

*The Hon. J.M. Rankine interjecting:*

**The Hon. S.E. CLOSE:** —with the appropriate policy if, indeed, you have not already received that previously.

**The SPEAKER:** The member for Wright will not interject. I call her to order.

#### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:28):** My question again is to the Minister for Education and Child Development. Have Families SA changed their policy that does not allow their staff to contact extended family to identify the real circumstances a child is living in?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:28):** I will have to take that on notice because you are talking about a pre-existing policy and possibly a new policy. I will look into that and provide you with a briefing.



### CHILD PROTECTION

**Ms SANDERSON (Adelaide) (14:28):** Supplementary: when you are checking into that could you please check if that is only for—

**The SPEAKER:** No, 'will the minister', please.

**Ms SANDERSON:** Will the minister please see if that is only for open investigations or for any reports to the CARL line?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for the Public Sector) (14:29):** I will incorporate that into the question that I have just taken on notice.

### HOUSING TRUST PROPERTIES

**Mr BELL (Mount Gambier) (14:29):** My question is to the Minister for Social Housing. Following the announcement in the Governor's speech that all Housing Trust properties within 10 kilometres of the CBD built before 1968 will be renewed, can the minister detail why she does not think that Housing Trust tenants in rural and regional areas also do not deserve renewed accommodation?

**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, Minister for Child Protection Reform) (14:29):** Thank you very much for that question. Yes, this is a really important initiative of the government. The good news, I can say to the member for Mount Gambier, is of course areas which are regional areas or not within 10ks of the CBD will be eligible and available to be considered for that sort of renewal—of course. The plan obviously is that over time we wish to be able to offer an opportunity for renewal of all public housing properties throughout the state.

The reason that there was a mention in the Governor's speech about that 10-kilometre area is that we do have some significant concentrations of that type of property within that space, and it is completely consistent with the government's policy, which I think we've been very plain about, about urban renewal and the importance of increasing the density in some parts of the metropolitan area in order to make proper use of existing infrastructure and, indeed, to improve the facilities of public transport, for example, that are offered.

It is certainly the case that anybody who represents any part of the city, or the country for that matter, where there are areas of public housing and those areas of public housing are in that vintage, yes, of course they are going to be looked at for renewal. As a matter of common sense, I would add too that many of these buildings are now quite tired.

If you think about the maintenance costs associated with these buildings and you also think about the technologies that were employed in the building of these things, for example, all the current contemporary standards about insulation and energy efficiency, wiring, and all that sort of stuff didn't exist. Many of those properties were designed for a time when the usual customer of the public housing market was a couple with two or three kids, and that's really not the market that we are looking at so much now.

A lot of people who presently want to occupy public housing are single people or couples, many of them older people, who aren't necessarily looking for a quarter-acre block or a three-bedroom home. This will offer an opportunity of them getting not only brand-new accommodation with contemporary technologies included in the buildings but also something that more closely matches their actual requirements.

Can I say to any of the regional members here and non-metropolitan members: if you have particular concerns about some of the housing stock in your part of the world, I'm quite happy to have a chat with you about any issues you've got about that. The answer ultimately is: all of that older stock we want to see renewed, and it is not just about people within 10ks of the CBD.

### ADELAIDE FESTIVAL CENTRE

**Mr SPEIRS (Bright) (14:32):** My question is to the Minister for the Arts. Can the minister please confirm whether the Festival Centre has any plans to sell the valuable Barbara Hepworth sculpture that has been on public display since 1973 in order to fund future redevelopments?

**The Hon. A. Koutsantonis:** That's a good idea.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:33):** Don't get excited, Treasurer. The Festival Centre board is a statutory board, independent, at arm's length at least from government. I am more than happy to get a report back for the member for Bright.

### HEALTH SERVICES

**Dr McFETRIDGE (Morphett) (14:33):** My question is to the Minister for Health. Is the minister or his staff monitoring his hospital department's dashboards, which show at 13:56 today, just before question time, the Noarlunga health service ED was at 113 per cent capacity and the Flinders Medical Centre ED was at 106 per cent capacity?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:33):** All the more reason why we need to transform our health system in order to create capacity so that these things don't happen.

*Dr McFetridge interjecting:*

### COUNTRY FIRE SERVICE

**Dr McFETRIDGE (Morphett) (14:34):** My question is this time to the Minister for Emergency Services. Can the minister tell the house whether CFS bulk water carriers and tankers will be fitted with automatic vehicle location systems, as was promised by former minister Wright?

**The SPEAKER:** Minister.

**Dr McFetridge:** If not, why not?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:34):** I thank the honourable member for his question. I will need to chase that one up. I am not familiar with that detail. I will get back to you.

*Dr McFetridge interjecting:*

**The SPEAKER:** I call the member for Morphett. I give him his second warning for an interjection just earlier.

### COUNTRY FIRE SERVICE VOLUNTEERS

**Dr McFETRIDGE (Morphett) (14:34):** Thank you, Mr Speaker. I was actually just finishing the question. My question is again to the Minister for Emergency Services. Will the government consider allowing CFS volunteers to check local fire hydrants, as they have in the past, rather than SA Water solely being tasked with this responsibility which they are clearly not able to keep up with? I can tell you that from personal experience.

**The SPEAKER:** Well, that is a comment, which is impermissible unless leave is sought. Minister?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35):** I thank the honourable member for his question. That request hasn't been brought to my attention, but I am happy to meet with the member and discuss it.

**EMERGENCY SERVICES COMMISSIONER**

**Dr McFETRIDGE (Morphett) (14:35):** My question is to the Minister for Emergency Services. Now that the minister has ruled out legislative change to the Fire and Emergency Services Act this year, is the minister continuing with the appointment of a new commissioner?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35):** I would like to thank the member for his question. As I clearly stated in the media statement I issued on Monday, the answer is yes.

**EMERGENCY SERVICES COMMISSIONER**

**Dr McFETRIDGE (Morphett) (14:35):** Given the minister's answer, will this person be a commissioner in name only and be in a similar situation to the position Mr Tony Harrison was in when he was appointed as the director of community safety?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:35):** I thank the honourable member for his question. I am not aware of all the details of how far that previous proposal got, but certainly what I can say is that—and it is consistent with what I said on Monday in my statement—what I am proposing to do is to keep the chief officers in their existing positions within the current legal framework.

I am also seeking, as requested by a number of people in the emergency sector, to beef up SAFECOM by reallocating resources from those resources which are, in the member's own words, 'duplicated' or 'triplicated' across the sector. Those resources will go into SAFECOM to make sure they are not doubled up, and so the commissioner will have a very active role across the sector.

*An honourable member interjecting:*

**The Hon. A. PICCOLO:** That's correct. What the current act—

*The Hon. J.M. Rankine interjecting:*

**The SPEAKER:** The member for Wright is warned.

**The Hon. A. PICCOLO:** What the current act makes very clear is that SAFECOM can provide a whole range of directions—this is the current act. The current act makes it very clear that SAFECOM can provide direction to the chiefs, with the exception of any matter dealing with the operation of an emergency, etc. There will be a lot of work for the new commissioner to perform.

**EMERGENCY SERVICES COMMISSIONER**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:37):** Supplementary: can the minister outline to the house what the value of the employment contract will be for the new commissioner? Also, can he tell the house whether there will be any change to the salary arrangements for the three existing heads that will be reporting to him or her?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:37):** I thank the honourable member for his question. In terms of the first question, we haven't even started interviewing yet, so I am not sure which candidate we are actually going to choose. The final package will depend on the experience, training, etc., and so it is premature to indicate what that is. In answer to the second part of the question, given that the chiefs will have a remodelled role, which I have discussed with them, obviously their contracts will be renegotiated.

**EMERGENCY SERVICES**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:38):** Can the minister rule out any reduction in the salary of the head of the CFS, the head of the SES, the amount that they are currently on?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38):** I

can give the house an assurance that those chiefs will be paid according to the appropriate work value.

### EMERGENCY SERVICES

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:38):** Can the minister at least give an indication of the range? Given that the position of commissioner has already been advertised, there must be something which is envisaged.

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:38):** Just in terms of that question, do you mean for the commissioner or for the existing officers?

*Mr Marshall interjecting:*

**The Hon. A. PICCOLO:** We have not advertised any salary, and that will be subject to negotiation. I would hate to prejudice our capacity to negotiate by telling you what I had in mind. You tell me you are in business. That wouldn't be smart—

**The SPEAKER:** No, no, no. I am not saying anything. Minister, are you finished? Yes.

### EMERGENCY SERVICES

**Dr McFETRIDGE (Morphett) (14:39):** My question is again to the Minister for Emergency Services. Given the minister's announcement on Monday that the chiefs of the emergency services will be retained, can the minister confirm whether the deputy and assistant chiefs will be retained?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:39):** It is quite clear from the announcement on the 18<sup>th</sup>, as well as previous announcements, that it is not proposed to keep those positions as they are now.

### COUNTRY FIRE SERVICE VOLUNTEERS

**Dr McFETRIDGE (Morphett) (14:40):** My question is again to the Minister for Emergency Services. Has the minister arranged to meet with any other CFS groups or individual brigades since the request from the CFS Volunteers Association was made? If so, which groups and brigades?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:40):** I would have to chase that up, because I get requests on a regular basis. However, in terms of the CFSVA's request, that request was to talk about the reform, and that is a process that has been agreed to by all the parties, how we would actually move forward with the reforms. In fact, the reference group was actually established at the request of the volunteer associations to make sure they had an ongoing input into the reform process; that was a process and a body established for their input at their request.

They have been invited, at regular intervals, to meet with them. Given that was the request, to ensure transparency and accountability so that all parties are aware of what is being discussed, I maintain the integrity of that process. Any request for any secret meetings will not be approved.

### LAND 400 PROJECT

**Mrs VLAHOS (Taylor) (14:41):** My question is to the Minister for Defence Industries. What steps is the South Australian government undertaking to maximise benefits to the South Australian economy from the recently announced \$10 billion project to replace Australia's armoured vehicles?

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Defence Industries, Minister for Veterans' Affairs) (14:41):** The issue of jobs and benefits from this project for South Australia will be important in and around the member for Taylor's electorate, and her ongoing support of the local defence industry should be recognised.

Last week the Minister for Defence, the Hon. Kevin Andrews, announced the first steps in the process for the LAND 400 project. The LAND 400 program includes design, engineering and manufacturing of the next generation of combat vehicles. The project will be the Army's biggest ever

acquisition, of up to 800 fighting vehicles at a cost of around \$10 billion. It is anticipated that at least twice as much will be spent sustaining these vehicles over the next 30 years.

This is an outstanding opportunity for South Australia's defence industry to grow its existing land vehicle manufacturing and through-life support capability, and to capture a significant share of this massive defence spend at a time when jobs will be lost in the automotive industry. A project of this magnitude would provide skilled manufacturing and trades jobs for many years to come, as well as economic growth across the state.

The state government is actively promoting South Australia as the preferred location for the LAND 400 project and other special land vehicle manufacturing for the Australian Army, and our approach has been threefold. First, there has been lobbying of the Australian government to support increased Australian content for the project. The Premier and I, along with key members of the Defence SA Advisory Board, including the chair, Sir Angus Houston, have directly engaged with the Prime Minister, the defence minister and other members of the National Security Committee of cabinet. Until such time as a final decision is made by the commonwealth, the state government will continue to fight to ensure that South Australia achieves the best possible outcomes as part of this LAND 400 project.

Secondly, we have engaged with likely contenders to promote South Australia as a logical location for their manufacturing, assembly and support operations. The state, at all levels, has engaged closely with the six most likely original equipment manufacturers and their potential Australian-based partners, with regular visits to their overseas facilities and hosting of company executives in Australia, with intensified activity over the past two years. Defence SA has commenced in-principle discussions with each potential tenderer regarding potential tailored state assistance through the bid, technology demonstration and production phases of this project. Staged requisite cabinet approvals will be sought as negotiations advance with each company.

Finally, the state government has developed the concept of a land combat system precinct to encourage current and future related elements of the Army's land combat system to be supported here in South Australia. The LAND 400 vehicles will be closely integrated with the Army's other war-fighting systems, including artillery aviation, communications, unmanned aircraft and intelligence and reconnaissance capabilities, all of which require continuous technological upgrade and ongoing systems integration.

In December 2013, to elevate and differentiate SA's LAND 400 proposal, the government launched the state's concept of the land combat systems precinct. The proposal uses LAND 400 as the genesis to bring together a single location of all the industrial defence elements needed to build, sustain, develop, upgrade and optimise the Army's combat systems in a continuous comprehensive and integrated manner.

Establishment of the precinct could involve over 2,000 workers, including some 700-plus long-term defence employees, and would ensure that SA is a natural home for LCS. This commitment from the state is important. What we need now is a commitment from the commonwealth to make it possible.

### **SOUTH AUSTRALIAN FILM INDUSTRY**

**The Hon. S.W. KEY (Ashford) (14:45):** My question is directed to the Minister for the Arts. Minister, how is the South Australian screen production industry contributing artistically and economically to the state?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (14:46):** I am very pleased to have my second question today as Minister for the Arts and I thank the member for Ashford for her interest in film. Every South Australian should be proud of the outcomes of our local screen production industry. Despite concerns from some pockets of the media, the screen industry in South Australia is going from strength to strength, with local drama production increasing nearly 50 per cent, to be valued at \$73 million in the last financial year.

But it is not just about economic success. South Australian screen production is also receiving artistic commendation, scooping the pool at the recent Australian Academy of Cinema and Television Arts Awards.

**Mr KNOLL:** Point of order, Mr Speaker.

**The SPEAKER:** Point of order.

**Mr KNOLL:** 'SA scoops four AACTA awards at the 4<sup>th</sup> AACTA awards luncheon'. There is a press release by the minister on 29 February.

**The SPEAKER:** Could the member for Schubert email it to me and I will check it against the minister's delivery?

**The Hon. J.J. SNELLING:** Of the seven films nominated for best feature film, four were made here in South Australia. Over the parliamentary break I was able to watch *The Babadook*. This psychological thriller, which is still giving me nightmares, received international acclaim. Fortunately, I had my daughters there and they were able to hold my hand during the more terrifying bits.

*An honourable member interjecting:*

**The Hon. J.J. SNELLING:** I certainly don't have nightmares about you, mate. I was pleased to see it tie with Russell Crowe's locally filmed *The Water Diviner* for best feature film. *The Babadook* also picked up best direction and best original screenplay. Other productions to win awards included ABC drama *ANZAC Girls, Sons and Mothers, The Rover* and the amazing David Gulpilil who won best lead actor, as the member for Schubert says, for *Charlie's Country*.

The superb facilities at the Adelaide Studios played a key role in attracting and generating this diverse range of award-winning productions. I had the privilege of touring—

**The SPEAKER:** Is the minister going to tell us about *The Water Diviner*?

**The Hon. J.J. SNELLING:** No, sir. I had the privilege of touring the studios recently and I must say I was particularly impressed with the sound studio—

*Mr Pisoni interjecting:*

**The Hon. J.J. SNELLING:** Was that the member for Unley talking about frightening children? The sound studio was so state of the art that, as I understand it, when *Charlie's Country* was shown at the Cannes Film Festival, they had to upgrade the cinema to do its soundtrack justice.

None of this would have been possible without the hard work of Richard Harris who, after seven years as chief executive of the Film Corporation, has left us to take on the role of Head of Business and Audience with Screen Australia. Richard led a huge transformation of our film industry. Our loss is Screen Australia's gain and I would like to place on the record my thanks for his dedication to this industry and my best wishes for his future endeavours. I was pleased to meet his successor, Annabelle Sheehan, recently. Annabelle brings a great wealth of industry knowledge to the role and I look forward to seeing her continue Richard's success.

I would like to finish by assuring the industry that, despite federal government cuts to local ABC production and to Screen Australia, the South Australian government is proud of our screen industry and values the cultural and economic benefits it brings to this state.

**The SPEAKER:** I cannot uphold the member for Schubert's point of order, but he still provides a valuable service to the house. The member for Napier.

### OIL AND GAS SECTOR

**Mr GEE (Napier) (14:50):** My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house of recent activities undertaken by the Mining Industry Participation Office to support South Australian companies to seize opportunities in the oil and gas sector?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (14:50):** I am not sure of the views on the oil and gas sector of Ms Kirsten Alexander, sir, but I assume she has the same views as the opposition. I thank the member for his question and

for his ongoing interest in the energy revolution taking place in this state's oil and gas sector. The government is steadfastly committed to unlocking the full potential of our state's energy sector. Vast opportunities have been created in the Cooper Basin as new technologies allow oil and gas producers to extend the life of this onshore province.

In the most recent financial year, the value of South Australia's mineral and petroleum produced surged by \$1.3 billion to a record \$7.5 billion. Companies, including BP, are also investing billions of dollars in the search for oil and gas in the Bight Basin in our state's Far West. This government, through its economic priority No. 1, aims to ensure that, as much as possible, this investment benefits companies and workers here in South Australia. To achieve that aim, we established the Mining Industry Participation Office within the Department of State Development. MIPO has been working diligently to maximise opportunities for our South Australian companies to gain a greater share of local, national and international markets and petroleum supply chains.

One of the areas in which MIPO is focused is capacity building. To this end, MIPO has been conducting a series of oil and gas supplier study trips for South Australian businesses. The first of these successful study trips was conducted in February last year, with a follow-up tour recently returning from the US. MIPO also organised a tour last year to Sweden to examine that country's mining services sector.

Mr Speaker, these international tours have resulted in positive outcomes for participating companies and I would like to share with you some of their stories. One local company diversified from drilling to now providing gas well completion, maintenance and work over services. A local laboratory is now extending its capability to include the testing of proppant, which is used in hydraulic fracturing operations (which I am sure the member for Mount Gambier is very excited about). A local consultancy is now providing services to a company that it met on the study tour.

Nine participants from eight organisations attended the most recent study tour to the US from 1 to 10 February this year. The tour introduced South Australian businesses to international suppliers in Texas and Pennsylvania and provided perspective on the scale, depth and life cycle opportunities offered by developing shale gas resources. The tour also highlighted the significant differences between the United States and Australia and that many of these differences provided new opportunities for supply chain development in South Australia.

Without mentioning all of the companies, I want to mention one in particular, that is, Advanced Focus, a service provider based here in Cumberland Park, and I quote from their feedback:

I have eight leads to follow up that may lead to future business, new capabilities and global partnerships. There were several other insights that I will share with other South Australian SMEs that would benefit their business.

Mr Speaker, it just simply isn't good enough to sit back and live in hope that local companies will secure supply contracts in the highly competitive oil and gas services sector by just putting their hands up. We need to make sure that they have the skills and knowledge to anticipate what is required as well as the right business connections so that they are in the best possible position to secure the pipeline of work being generated in this state. MIPO is assisting local companies to do just that.

We commend the work of MIPO to the house and urge members opposite, and members on the government benches, if they have local firms in their electorates, to make them known to MIPO so they can take full advantage of the oil and gas revolution taking place in South Australia.

#### **PUBLIC TRANSPORT LEVY**

**Mr WINGARD (Mitchell) (14:54):** My question is to the Minister for Transport. Has the minister scoped or discussed with the SMA, or others, the option of charging the public transport levy for events at the Adelaide Oval and still requiring event goers to pay for their public transport tickets to the events as well?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:54):** I thank the member for Mitchell for his question. I know he has had a keen and ongoing interest in it. Indeed, we have had a recent development today on this matter. After initially not supporting this policy and then voting for the legislation and then once again not

supporting the policy, we've had another change in policy from the opposition. In fact, it is a rare thing for an opposition to break an election commitment and yet they have succeeded.

**Mr KNOLL:** Point of order: the minister is not responsible for the opposition.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The Treasurer is warned for the second and final time. I ask the minister to address the substance of the question.

**The Hon. S.C. MULLIGHAN:** With pleasure. If I understand the member's question, he is asking whether we would expect people who are attending an event which is hosted by the Stadium Management Authority at Adelaide Oval to pay for a ticket and potentially also be in receipt of free public transport. That is, of course, what we provided last year throughout the entire AFL season.

#### **PUBLIC TRANSPORT LEVY**

**Mr WINGARD (Mitchell) (14:55):** I have a supplementary question. I didn't quite get the answer to the question, so I just want to check again. Will the minister rule out not charging the public transport levy and then still requiring people going to events to pay for their public transport ticket? Will he double dip?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (14:56):** I am having a little difficulty following the logic of the question. I guess all I can do, once again, is explain to the member for Mitchell and to the house how the events cost-recovery regime works. There are events—let's take this example—hosted by the Stadium Management Authority at Adelaide Oval, like an AFL football game. We work out the cost of providing public transport services to those events. We have discussions with the Stadium Management Authority about the cost of those and we recover the costs from the Stadium Management Authority. How those costs are passed on to ticket holders is a matter for the Stadium Management Authority and those organisations which are participating in the event.

#### **ROAD SAFETY CAMERAS**

**Mr WINGARD (Mitchell) (14:57):** My question is to the Minister for Road Safety. How much was the cost of the Safe-T-Cam cameras and gantries set up to photograph unregistered and uninsured vehicles on Ocean Boulevard, Seacliff Park, and Main South Road, O'Halloran Hill?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57):** I thank the honourable member for his question. I will get that detail for you.

#### **ROAD SAFETY CAMERAS**

**Mr WINGARD (Mitchell) (14:57):** I have a supplementary question. Can the minister tell us when they were constructed?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57):** I will get that information as well.

#### **ROAD SAFETY CAMERAS**

**Mr WINGARD (Mitchell) (14:57):** I have a further supplementary question. Can you also let us know when they were turned on and how many vehicles have been detected coming through those two gantries, please?

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (14:57):** Yes.

#### **MEMBER FOR MAWSON**

**Mr GARDNER (Morialta) (14:57):** My question is to the Premier. Does the Premier have confidence that the Minister for Tourism has complied with the Ministerial Code of Conduct? Does



the Premier maintain confidence in the Minister for Tourism? With leave and that of the house, I will explain.

Today in the District Court, Her Honour Judge McIntyre, in relation to defamation findings in the case of De Poi and the *Sunday Mail*, has found that behaviour in the seat of—

**The Hon. S.C. MULLIGHAN:** Point of order: shouldn't the house decide whether or not to grant leave to the member before he indulges himself in an explanation?

*Mr Marshall interjecting:*

**The SPEAKER:** No, no. Would the member for Morialta be seated? The leader is wrong. I don't do that; the house grants it. The leader is wrong; I don't do that. It is the house that grants it. Is leave granted?

Leave granted.

**The SPEAKER:** The member for Morialta is reading from a judgement?

**Mr GARDNER:** I have notes that summarise a judgement, sir.

**Ms Chapman:** The judgement is here if you want it.

**The SPEAKER:** I would like the judgement sent up to see that the question corresponds with the judgement.

**Mr GARDNER:** Certainly.

**The SPEAKER:** What page are you referring to?

**Mr GARDNER:** My notes refer particularly to clause 118, in which practices in the seat of Mawson in the 2010 election were found to be dishonest, not meeting standards of community morality and not meeting standards of ethics accepted by the community.

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:59):** I don't quite know what that has to do with the member for Mawson in his capacity as minister or in any other capacity, as far as I can understand it. I seem to recall that there was a much more recent episode. Something to do with—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Did the member for Morialta manage to communicate with the member for Davenport before asking this question? Is there a—

*Members interjecting:*

**Mr PISONI:** Point of order, sir.

**The SPEAKER:** Point of order.

**Mr PISONI:** The Premier is not addressing the substance of the question.

**The SPEAKER:** Again, I would be far more amenable to that point of order if the opposition was not raucously shouting at the Premier. I will follow the Premier's answer and, if he errs and the opposition is respectful of the Chair, I will consider the point of order in due course. The Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Mr Speaker. One, I don't understand that it has even been alleged in the question that this had anything directly to do with the member for Mawson, but let's assume that it does, let's put their allegation at its highest for these purposes. Are they really suggesting a standard of morality which they, in the most recent Davenport by-election, departed themselves in their own conduct? Are they—

**Ms CHAPMAN:** Point of order, sir, and it goes to relevance. This is a very specific question as to whether the Premier still has confidence in a minister or whether there has been a breach of—

**The SPEAKER:** Alright, I've got the point of order. Alas, the member for Morialta I think left out of his question the opening clause of paragraph 118, 'Whilst the scheme did not breach the

Electoral Act'. If we're to quote from an absolutely privileged document, I think we must quote it in its proper context.

**Mr GARDNER:** Sir, in fact, you asked me not to quote from it, therefore I returned to my notes—

**The SPEAKER:** No, I didn't ask you not to quote from it. What I asked, and I asked and my request was complied with by the member for Bragg, was that the judgement be sent up to me so that I could be assured that the use of absolutely privileged material in the house was accurate, that the whole thing was quoted. I think that, with my addition, the member for Morialta's quote is now complete. I think that it is within the scope of standing orders and question time that the Premier is able to refer to the alleged offence generally. The Premier.

**The Hon. J.W. WEATHERILL:** Thank you, Mr Speaker. It is refreshing that the Liberal Party are so quick on their feet.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** This is one of the perils, sir, of one of these ad hoc questions at question time. It's a bit like the old Criminon documents, they have a habit of blowing up.

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** I must say, sir, credit where it's due. Apparently, InDaily now reveals that the Liberal Party have worked out that you need 24 seats to actually gain government in South Australia. They have finally worked it out. Congratulations! Come on down.

*Members interjecting:*

**The SPEAKER:** Members of the government's side will cease applauding. Applause is not permissible in the chamber. I would also add that I actually tried as attorney to outlaw this particular practice, and my proposal perished in the upper house.

**The Hon. J.W. WEATHERILL:** Thank you, sir. And so—

**Ms CHAPMAN:** Point of order, sir.

**The SPEAKER:** Deputy leader.

**Ms CHAPMAN:** The Premier is straying from any close resemblance to the substance of the question, which is about his confidence in one of his ministers, in light of a judgement finding this morning. It is very clear.

**The SPEAKER:** I will listen carefully to see that the Premier addresses the substance of the question.

**The Hon. J.W. WEATHERILL:** Thank you, Mr Speaker. If the question is about standards, a standard that concern was raised about by those opposite and members of the community we sought to remedy through legislative change. Those opposite blocked it and then, in the most recent Davenport by-election, sought to take advantage of it for their own electoral purpose. And they come in here and suggest to us that we should be judged by a standard they themselves have rejected. Do I have confidence in the member for Mawson, do I have confidence in the Minister for Tourism? Yes, I do.

*Grievance Debate*

#### **ELECTORAL REFORM**

**Mr GARDNER (Morialta) (15:05):** The government stands condemned today, as it has for five years, for this dodgy practice of using dodgy how-to-votes at elections. I was elected in 2010, and it was done in Morialta and it was done in three other seats, including the member for Mawson's seat. Today, in the District Court, Her Honour Judge McIntyre has found in favour of the defendant—

**The Hon. S.C. MULLIGHAN:** Point of order, Mr Speaker.

**The SPEAKER:** There is a point of order from the Minister for Transport.

**The Hon. S.C. MULLIGHAN:** Might not the member for Morialta—to quote the member for Morialta—be imputing improper motives on the member for Mawson?

**The SPEAKER:** That is a bogus point of order and under the sessional order I remove the Minister for Transport for the next 15 minutes.

*The honourable member for Lee having withdrawn from the chamber:*

**Mr GARDNER:** The Liberal Party is all too familiar with the dodgy tactics that are always used by this government that have been used over and over again. It happened in 2010 and it happened—

*Members interjecting:*

**The SPEAKER:** For the second and final time.

**Mr GARDNER:** —in 2014 and today—

*The Hon. J.M. Rankine interjecting:*

**The SPEAKER:** The member for Wright is suspended for the next half-hour under the sessional order.

*The honourable member for Wright having withdrawn from the chamber:*

**Mr GARDNER:** Today, Her Honour Judge McIntyre has belled the cat. Judge McIntyre has described the case that on 28 March 2010, page 24 of the *Sunday Mail*, contained an article about the plaintiff, Sandra De Poi, the then partner of the Minister for Tourism, the member for Mawson, under the headline 'Bignell's partner's \$10 million bonanza'. The plaintiff said that the natural and ordinary meaning of the words in the article, together with the photograph, are that:

- She obtained substantial financial benefit through her close ALP connections and thereby demonstrated that she lacks integrity;
- She knowingly engaged in and placed herself at the centre of dishonest electoral practices;
- She was one of the main instigators of dishonest electoral practices. which conduct is consistent with her past history of preparedness to place herself in conflict of interest in her professional relationships with a view to financial benefit;
- There are reasonable grounds to suspect her of having breached the code of conduct of the Australian Institute of Company Directors by having placed herself at the centre of dishonest electoral practices.

So alleged Sandra De Poi against the *Sunday Mail* that they had so defamed her. Today, the finding is that they did not defame her. They did not defame her for several reasons. The findings, in particular—

**The SPEAKER:** Member for Morialta, I think you will find that the finding was that they defamed her but there was a defence.

**Mr GARDNER:** I will quote the finding, If you like, sir:

1. The imputations pleaded in paragraphs 5.1 and 5.5 of the third statement of claim are not established.
2. The defendant has justified the imputation at paragraph 5.4 of the Statement of Claim—

**The SPEAKER:** Justification—favourite defence.

**Mr GARDNER:** Yes, truth is a defence, sir.

**The SPEAKER:** Indeed.

**Mr GARDNER:** It goes on:

—that the plaintiff knowingly engaged in and placed herself at the centre of dishonest electoral practices and in 5.6 that she placed herself at the centre of dishonest electoral practices.

Accordingly the plaintiff's claim is dismissed.

This is of a piece with a range of dishonest electoral practices conducted by the Labor Party over a series of years. It has happened in the most recent by-election. The Labor Party was the only party that the Electoral Commissioner found against during the Davenport by-election.

We only need to go back a year to those flyers, 'Can you trust Habib?' The member for Elder stands condemned for conducting a racist campaign against the Liberal candidate for Elder in that campaign—a shameful campaign that in fact Labor members interstate have had the guts and the gumption to label, to bell the cat, as racist in that campaign. The member for Elder should stand condemned for that—

**Ms DIGANCE:** Point of order.

*Members interjecting:*

**The SPEAKER:** There is a point of order. Member for Elder.

**Ms DIGANCE:** I don't appreciate being referred to as racist, member for Hammond.

**The SPEAKER:** Can the member for Elder nominate which member of the opposition referred to her as a racist?

**Ms DIGANCE:** The member for Hammond.

**An honourable member:** All of them.

**Ms DIGANCE:** Yes, probably all of them in turn. The member for Hammond at this particular point.

**The SPEAKER:** Did the member for Hammond refer to the member for Elder as a racist?

**Mr PEDERICK:** Yes, I did, sir.

**Mr WILLIAMS:** We're all guilty, sir.

**The SPEAKER:** The member for MacKillop. Would any other members like to volunteer that they referred to the member for Elder as a racist?

**Mr PISONI:** I have referred to the member for Elder as a racist in previous speeches, and I stand by it, sir.

**Mr Marshall:** So have I, sir.

**The SPEAKER:** The member for Hammond, the leader, MacKillop. Would anyone else like to subscribe? I call upon the members for Unley, Hammond, the leader, and MacKillop to apologise. The member for Chaffey wants to be included?

**Mr WHETSTONE:** Absolutely.

**The SPEAKER:** Yes, thank you. Would any of those members like to apologise?

**An honourable member:** No.

*Members*

#### **MEMBERS, NAMING**

**The SPEAKER:** Accordingly, I name the members for Unley, Hammond, the leader, MacKillop and Chaffey. Could I have a minister to move—

*Members interjecting:*

**The SPEAKER:** Would the members for Unley, Hammond, the leader, and the members for MacKillop and Chaffey like to be heard in apology and explanation?

**Mr PISONI:** I will give you an explanation, sir.

**The SPEAKER:** I have not asked you yet. The member for MacKillop.

**Mr WILLIAMS:** I do not want to be heard in apology, but I certainly wish the indulgence of the house to hear me in explanation. If we cast back to the election in question almost 12 months

ago, when a flyer was distributed throughout the seat of Elder where the candidate for the Liberal Party was one Carolyn Habib the flyer showed a bullet-ridden wall with the words across it, 'Can you trust Habib?' To my recollection every political commentator in South Australia suggested that that was a racist piece of advertising campaign. The member for Elder, I believe, sits in this house at least to some degree because of that campaign. The member for Elder—

**The SPEAKER:** And that is the justification for calling her a racist?

**Mr WILLIAMS:** I am not having a debate with you. I am making an explanation to the house as to why I referred to the member as a racist.

**The SPEAKER:** Would the member make his case, other than the member for Elder was elected?

**Mr WILLIAMS:** I am absolutely making my case.

**The SPEAKER:** I would like some causation. Unless the member makes out causation, he will be asked to be seated.

**Mr WILLIAMS:** I thought I had leave to make an explanation—

**The SPEAKER:** To be relevant to the allegation that the member for MacKillop made that the member for Elder is a racist, something that the member for Elder did.

**Mr WILLIAMS:** That is what I am doing.

**The SPEAKER:** Well, you have not come to it yet.

**Mr WILLIAMS:** The member for Elder, sir, stood at an election as a Labor candidate, endorsed by the Labor Party of South Australia, where a piece of material was circulated, authorised by the Labor Party in support of her campaign, urging people to vote for her on the basis of a piece of racist material.

**The SPEAKER:** That is clear. The member for Unley.

**Mr PISONI:** I endorse the comments of the member for MacKillop, and it's not just the member for MacKillop from this side of politics; it is also Ed Husac, the Muslim member of the federal—

**The SPEAKER:** Husic.

**Mr PISONI:** I am sure *Hansard* will pick it up, sir, thank you. When he called for the Labor Party to apologise about the campaign that they ran in the seat of Elder—

**The SPEAKER:** Would the member for Unley attach his remarks to the member for Elder.

**Mr PISONI:** I certainly can, sir. The member for Elder was an active member of that campaign, the campaign that ran the postcard—

**The SPEAKER:** Okay, that is clear. Would the member for Unley be seated.

**Mr PISONI:** No, sir, I am not finished. If I may—

**The SPEAKER:** No, the member for Unley will be seated. The leader.

**Mr MARSHALL:** Thank you, sir. The member for Elder who sits in this chamber at the moment is the chief beneficiary of the campaign—

**The SPEAKER:** It is not a question of beneficiary; it is a question of causation.

**Mr MARSHALL:** Well, I make this point—that she has had almost 12 months to distance herself from that campaign that was run. She hasn't at any time chosen to come in here and distance herself from those clearly racist comments—

**The SPEAKER:** Okay, that is clear.

**Mr MARSHALL:** —that were made in her name in that campaign.

**The SPEAKER:** The leader has made his case clear. I do not accept the explanation. 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) (15:14):** I move:

That the apologies not be accepted.

**The SPEAKER:** It is moved that the apologies not be accepted.

*Members interjecting:*

**Mr PISONI:** Point of order, sir.

**The SPEAKER:** The motion is that the explanations not be accepted.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:14):** I move:

That the explanations not be accepted.

**The SPEAKER:** Does the member for Chaffey wish to contribute?

**Mr WHETSTONE:** I certainly do, sir. My remark across the chamber was that it was a racist campaign. I did not—

**The SPEAKER:** No, no; you got up and said that you adopted the allegation that the member for Elder was a racist.

**Mr WHETSTONE:** No; the comment I made across the chamber—

**The SPEAKER:** No; I'm sorry, you did. So you won't mislead the house.

**Mr WHETSTONE:** Mr Speaker, you didn't hear me. You asked for anyone to accept that they had made a comment across the chamber. I made the comment—

**The SPEAKER:** So, the member for Chaffey is saying he did not call the member for Elder a racist?

**Mr WHETSTONE:** The member for Elder had a racist campaign.

**Ms Hildyard:** You called her a racist. That's unparliamentary.

**Mr WHETSTONE:** I beg your pardon?

**Ms Hildyard:** I heard you.

**Mr WHETSTONE:** I beg your pardon?

**Ms Hildyard:** I heard you.

**Mr WHETSTONE:** Sit in your chair and make the accusation.

**Ms Hildyard:** I heard you.

**Mr WHETSTONE:** Sit in your chair.

**The SPEAKER:** The member for Chaffey—

**Mr WHETSTONE:** How can you allow anyone to make a comment across the chamber when they're not in their chair, sir?

**The SPEAKER:** The member for Chaffey will be seated. As the member for Chaffey has changed his story, I no longer name him. The member for Hammond.

**Mr PEDERICK:** Thank you, Mr Speaker. Yes, I did acknowledge the member for Elder as a racist, and I do so, that she would have been the final arbiter, as I would have been if I was a candidate in the same campaign, of any material that went out. So she was quite happy to put out a racist campaign against a girl of Canadian and Lebanese descent.

**The SPEAKER:** I have got the member for Hammond's point. The Treasurer will now move.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The member for Chaffey has altered his position so he's no longer the subject of naming. The members for Unley, Hammond, the leader, and MacKillop are named. The Treasurer.

**The Hon. A. Koutsantonis:** Do you accept that explanation, sir?

**The SPEAKER:** I imagine the motion the Treasurer would be minded to move is that the explanations not be accepted.

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy, Minister for Small Business) (15:17):** I do so move, sir:

That the explanations not be accepted.

**The SPEAKER:** It's been moved. Is it seconded? I'll put it at once. Those in favour say aye.

**Mr WILLIAMS:** Point of order sir: it is the practice of the house that this motion is debated. I made that point to the former Speaker.

**The SPEAKER:** Standing orders is silent on the matter, and I have seen previous Speakers rule that, after the explanation or apology that this matter not be debated further, and I'm going to rule accordingly.

**Mr WILLIAMS:** Can I seek a point of clarification, sir? Can you name to the house who those previous Speakers—plural—were?

**The SPEAKER:** Not off the top of my head; I'm not the general manager of the universe. I'll put the motion.

*There being a disturbance in the gallery:*

**The SPEAKER:** Before I proceed to the division, under the sessional order the member for Wright and the Minister for Transport are able to vote in the division. I believe during an earlier removal of a member under sessional orders, a member of the gallery on my left made a remark. Would that person care to have the honesty to identify themselves? Thank you.

Would you come to the bar of the house, please? Would the Serjeant-at-Arms take him? Would you stand square on the bar? What did this member of the public say? What did you say?

**Ms Sanderson:** Can he have legal counsel?

**The SPEAKER:** No.

**Male person:** I wasn't happy with what he said in parliament.

**The SPEAKER:** Yes, but you used an expletive, didn't you?

**Male person:** I said I wasn't happy.

**The SPEAKER:** No, you didn't say that. Would the Serjeant-at-Arms please obtain that man's name and address and he will be banned from the parliament and conduct him out of the house precinct?

**Male person:** Thank you.

**The SPEAKER:** The motion is that the members be suspended, that the explanations not be accepted.

**Mr WILLIAMS:** Point of order, sir. Yes, that is the motion.

**The SPEAKER:** Yes, thank you, member for MacKillop, that the explanations not be accepted.

The house divided on the motion:

Ayes ..... 24  
 Noes ..... 19  
 Majority ..... 5

#### AYES

Bedford, F.E.	Bettison, Z.L.	Bignell, L.W.K.
Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.	Gee, J.P.	Hamilton-Smith, M.L.J.
Hildyard, K.	Hughes, E.J.	Kenyon, T.R.
Key, S.W.	Koutsantonis, A. (teller)	Mullighan, S.C.
Odenwalder, L.K.	Piccolo, A.	Picton, C.J.
Rankine, J.M.	Rau, J.R.	Snelling, J.J.
Vlahos, L.A.	Weatherill, J.W.	Wortley, D.

#### NOES

Bell, T.S.	Chapman, V.A.	Duluk, S.
Gardner, J.A.W. (teller)	Goldsworthy, R.M.	Knoll, S.K.
Marshall, S.S.	McFetridge, D.	Pederick, A.S.
Pengilly, M.R.	Pisoni, D.G.	Redmond, I.M.
Sanderson, R.	Speirs, D.	Tarzia, V.A.
Treloar, P.A.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

#### PAIRS

Digance, A.F.C.	Griffiths, S.P.
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Motion thus carried.

**Mr WILLIAMS:** Sir, it is my understanding that it is not permissible for a member of the house to leave the house whilst the bells are ringing. I believe the member for Elder left the house while the bells have been ringing.

**The SPEAKER:** The Opposition Whip has given me a satisfactory explanation. As the motion has been carried, the four members will now withdraw.

**Mr WILLIAMS:** Point of order, sir: is it not the case that the house now needs to move a motion that the members' service be no longer required in the house?

**The SPEAKER:** Yes, after they have withdrawn. You will be pleased to know that there is a mandatory minimum sentencing in the standing orders.

#### MEMBERS, SUSPENSION

*The honourable members for Dunstan, Hammond, MacKillop and Unley having withdrawn from the chamber:*

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Arts, Minister for Health Industries) (15:27):** I move:

That the honourable members for Dunstan, Hammond, MacKillop and Unley be suspended from the service of the house for the remainder of the day.

Motion carried.

**The SPEAKER:** Before we move to the next item of business, there was a period in the 1790s when the Paris mob tried to override the first democratically elected parliament in France's history by interrupting duly elected members from the gallery, shouting them down and worse. I am not going to see anyone, any stranger, come into this house and use coarse and filthy language



shouted from the gallery and expect it to go unpunished, and then, when called to the bar, to brazenly lie to the house. I will not tolerate it.

**Mr PENGILLY:** Just a question, for clarification. Is it recorded in the *Hansard*, because I did not hear it?

**The SPEAKER:** I do not think our Hansard could possibly have heard it. The member for Morialta was on song; he has two minutes.

#### *Grievance Debate*

### **ELECTORAL REFORM**

**Mr GARDNER (Morialta) (15:28):** As I said, the Labor Party stands condemned and the member for Elder stands condemned in whatever language you want to use. 'Can you trust Habib?' was a filthy, disgusting flyer, and she has never once decried it. She has never resiled from it, never once tried to explain or justify it in anything approaching a convincing fashion.

The member for Mawson stands condemned for his activities in the 2010 election, as does the Labor Party, and I return to the justice's findings, firstly in relation to the evidence between the *Sunday Mail* staff and the Labor Party volunteers. The justice found that in many respects there was not a lot of dispute concerning objective facts.

The main areas of divergence between the parties concerned the interpretation of the facts. Where there was dispute however I preferred the evidence given by the witnesses for the defence [i.e. the *Sunday Mail*] for reasons I will explain in context.

We are talking now about an article about the scandal of Sandra De Poi handing out the controversial how-to vote-cards on polling day. As the Speaker alluded to before, clause 118 says that:

Whilst the scheme did not breach the Electoral Act, it was in my view outside the spirit of the law. It objectively offended the standards of ethics accepted by the community and the standards of morality underlying the law and is accordingly 'dishonest'.

Just because no law was broken does not mean that the Ministerial Code of Conduct was not maintained, does not mean that the Premier should not withdraw confidence from the Minister for Tourism, does not mean that the Minister for Tourism has no business continuing in such a role.

The judge went on to a range of other findings in her conclusions and I commend the findings to all members to have a read. I commend members to have a look particularly at 120, 122 and 123:

The plaintiff wore the T-shirt. She held and handed out the how-to-vote cards.

She did so knowingly, she did so knowing it was misleading and deceptive, and she did so knowing that it was part of a campaign that was misleading and deceptive. The member for Mawson was elected on that campaign. He stands condemned. He should hang his head in shame, as should the Labor apparatchiks who conduct all of these dodgy campaigns year after year. The Minister for Tourism is a disgrace.

### **REFUGEES**

**Ms DIGANCE (Elder) (15:31):** Thank you, Deputy Speaker.

*An honourable member interjecting:*

**The DEPUTY SPEAKER:** Order!

**Ms DIGANCE:** Actually I am not speaking about that today.

**Ms Chapman:** You will be.

**The DEPUTY SPEAKER:** Order! Onto your grievance, and the member is entitled to be heard in silence.

**Ms DIGANCE:** Thank you, Deputy Speaker. Today I was planning to rise to provide an update to the house on the visionary and innovative Tonsley redevelopment, a unique—

*Ms Chapman interjecting:*

**The DEPUTY SPEAKER:** Order!

**Ms DIGANCE:** —advanced manufacturing hub with a mix of businesses and education facilities and, in the near future, a significant investment in the variety of housing. However, instead, I wish to share with the house my absolute shock and outrage at the media coverage of the very disturbing and apparently current situation on Nauru. I am not only angry but also embarrassed and saddened. It is a media report that focuses on one young couple from Somalia who have sought solace and compassion from us in Australia.

It is a story of Deka and her husband Omar. Deka is reported to be 36 weeks pregnant and is classified as a high-risk pregnancy. She falls into this category as she has undergone the practice, at I suspect a very young age, in her home country of female genital mutilation. Being assessed as a high-risk pregnancy she and her baby's risk of death from complications of labour and/or delivery are dramatically and knowingly increased.

We are told she has been assessed by the local obstetrician on Nauru as requiring highly specialised care, care that this obstetrician recognises is not available on Nauru. The complications of this high-risk pregnancy are great for both mother and baby. For the mother it could mean obstructed labour, significant tears and lacerations, uterine inertia, uterine rupture, maternal distress, and the worst scenario, maternal death. For the baby, if labour is allowed to advance without special scrutiny, the risks may include excessive moulding of the head, intracranial haemorrhage, hypoxia, foetal distress and the severest outcome, intrauterine death.

In a controlled, highly specialised environment, this very specific situation can be managed through to attain good outcomes for both mother and baby. Authorities apparently claimed that as Deka and her husband were living in the community she was eligible for the same health care as others on Nauru. However, Deka's situation is not straightforward and assessed with great risk. In her vulnerable state and under duress, authorities were apparently pressuring her to choose her place for childbirth. Her options, we are told, were that she could labour and deliver on Nauru, which the obstetrician had already stated was not suitable or, unthinkable, the alternative choice given to her was that she could return to Somalia. Understandably, with these choices before her, Deka became so distressed that it is understood she attempted to take her life. How shameful!

This reported situation is abhorrent and shows a distinct lack of understanding of Deka's human rights, a distinct lack of respect for the life of the mother and also the baby, and the whole family unit, ignorance of the sanctity of life, and arrogance and cold heartedness by our federal Liberal leaders, not to mention total dismissiveness of the obstetrician's expert advice.

I put to us all here today that, if this report is true, this is indeed a very sad, low day in Australia's history—a sad low as we see the federal Liberal government put us on the world map for breaches of human rights and inhumane management of this very sensitive and delicate situation. We see here a small, desperate family seeking refuge from their homeland and a woman who was probably prepubescently mutilated due to tradition, a practice that is itself an infringement of human rights. This should be a happy time for this young couple as they await the arrival of their first born. Midwives and professionals of infant and maternal health care know that women-centred care, modelled and delivered on care that is informed on best evidence with best expertise, is the way to go for women such as her.

Mr Abbott, you purport to be the minister for women. Well, Mr Abbott, let me say that, as a woman, a midwife, a member of parliament, a South Australian and an Australian, you are not my minister. You are not my minister at all. Mr Abbott, you and your government should be ashamed and I condemn your government, if these reports are true, for this callous, inhumane, uncompassionate and unnecessary situation. My prayers and hope for justice for Deka and her family go with them.

Time expired.

### **TRAIN HORNS**

**Mr SPEIRS (Bright) (15:36):** In February 2014, the former member for Bright distributed a letter to the Bright community with the capitalised heading 'Train Horns Resolved'. This was a commitment triggered by an election campaign in which the noise pollution caused by air horns on

the new electric trains on the Seaford line had become a pressing issue. During the campaign, only two electric trains were in service yet residents were already raising concerns about the sound of the horn. It was unnecessarily loud and, rather than the low drone of the old diesel horns, it had a piercing, high-pitched screech which had become like nails on a blackboard to many residents. The horn can regularly be heard up to three kilometres from its source.

Upon my election in March 2014, I inherited the debacle that is the train horns. This is the most common issue to be raised with me since. I have had young mums contact me whose children are constantly being woken up, I have been contacted by someone recovering from major brain surgery whose convalescence is being impinged by this noise, I have been contacted by a Vietnam veteran whose memories of the war are triggered by the horns, shift workers have pleaded with me to get the government to do something about this, and countless people have raised with me that these horns are a general detriment on their quality of life and the livability of our community.

This is not a beat-up or an exaggeration. There are other issues that I would prefer to spend my time on. I did not think that train horns were destined to become the major focus of my first year in office. Part of my disbelief is that I find it difficult to understand how this has become such an intractable issue. After all, we are living in 2015. Surely, we have the technological capacity to create a safe railway corridor with a horn which does not invade our community with such perversity.

I am not a sound engineer but, from canvassing those who are, I know that modern sound engineering can accurately target sound to where it needs to go. The current positioning of the horns in the front of the trains scatters the sound across the landscape far further than it needs to go to warn those who are in immediate risk of an oncoming train.

I think the transport bureaucracy feels this is a trivial issue. I have experienced firsthand the icy lack of empathy from top bureaucrats, their one-liners about safety and their glib dismissal of reasonable alternatives, calling into question their role as a government agency established to serve South Australians. My correspondence, and that of residents living along the railway corridor, has been battered away with continuous references to safety.

Let me make this clear. This is not a battle between safety and horns. We are not advocating for the horns to be removed and we believe strongly that they should be used as warning devices in high-risk and emergency situations. However, the frequency, pitch and volume of the train blasts are a significant degradation of quality of life in this community. The changes we are pleading the minister and the department to implement will create a balance between residents and safety. We seek a review of the policies that govern the use of the horns, an assessment of what occurs interstate and overseas where there are many examples of horn disruption being mitigated, and a commitment to make the necessary changes to the sound. In January, I distributed a petition to 1,000 households which flank the train line. Today, that petition was tabled here in parliament, with 665 signatures. Given the relatively narrow distribution of this petition, members of this house would know that this level of signing-up is unprecedented.

I would like to take this opportunity to thank the local community, who have risen up around this issue and worked with me over the last few months as we have researched, lobbied and fought for action on the horns. This issue is not about a lone politician looking for something to whinge about. It is a real issue which has the weight of the community behind it. Today, I am simply the messenger and I must acknowledge their hard work.

I am, like many of the other complainants who have signed this petition, a huge supporter of the electrification of the train line. I travel to parliament every sitting day on the train and I have used my brief time in this place to champion public transport. The electrified Seaford line is a great initiative, but it is completely tainted by the sound and use of the horn.

It should be in the DNA of a contemporary government to show empathy and compassion to its citizens. I beg the minister and the transport department to put themselves in the shoes of those who live in Brighton, Hove, Seacliff, Marino and Kingston Park and work endlessly until this problem is resolved—because that is what I intend to do.

### ST MICHAEL'S COLLEGE

**The Hon. P. CAICA (Colton) (15:41):** Thank you, Deputy Speaker. As you would certainly be a witness, I often speak about the outstanding schools in my electorate, and I am blessed that I have so many outstanding schools in the district of Colton.

Today, I want to talk about St Michael's College. I was lucky enough the other day to attend, on 11 February, their academic assembly and it fell into several categories. One category was the recognition of students of the highest achievement in a subject, based on the SACE achievement score, a recognition of the outstanding academic achievement which is awarded to those students who achieved an Australian Tertiary Admission Ranking (ATAR) of 95 or higher and/or an A grade in all subjects studied.

It also recognised those students who achieved merit certificates awarded by the SACE Board. I am pleased to report that there were 20 of these certificates awarded to 17 of the St Michael's students. On any fair assessment, this has been an outstanding result for the class of 2014. Each year I am amazed and proud of the performance of the college and its students. Interestingly, too—and I know you will be very pleased to hear this, Deputy Speaker—of the year 12 students there was a 100 per cent success rate for all those year 12 students who undertook SACE last year.

Those in attendance were treated to a spectacular assembly, which included a performance by the St Michael's College Big Band One. You, Deputy Speaker, would have enjoyed their swing/jazz rendition of *Getaway*. I congratulate the student musicians who took part and, of course, the director, Mr Tim Donovan, who again can be very proud of his student musicians. I was sitting alongside the principal, Mr Foley, and I saw a trombone solo by a very tall person in the band. I said, 'Gee, that gentleman certainly looks a bit older than the rest of the students. He must have been here a while.' The principal said that the 17 years that he has spent in year 12 have been his best years. Actually, it was a teacher and he did a great job. I commend his performance as well as those students.

What I want to do is read out the names of those students who were presented in the outstanding academic achievement category and their ATAR scores. I recognise Jake Gazettas, 92.9 with five As; Rachelle Moses, 94 with five As; Chantelle Bardadyn, 94.05; 95.9 for Thomas Reichstein with five As; 95.95 for Felicia Spadavecchia; 96.05 for Lucy Tweed with five As, 96.2 for Scarlett Parker; 96.35 for Hannah Schwarz with five As; 96.35 for Alicia Cardone; 96.6 for Ermiony Andrushenko and 96.95 for Concetta Spadavecchia with five As.

Also, there was 97.15 for Nancy Azzollini, five As; 97.35 for Adam Watts; 97.35 for Daniel Settimio, with five As; 97.35 for Alessandra Gorcilov, with five As; 97.6 for Julian Millevoi, with five As; 97.65 for Lauren Bottin, with five As; 98.05 for Michael Ucci, with five As; 98.3 for Sonya Lorenzoni, five As; 99.15 for Sabrina Sghirripa, five As; 99.25 for Chelsea Fortuna, five As; 99.4 for Eleanor Day, five As; 99.6 for Luke Butcher; and 99.7 for Adam Swan, with five As. These are outstanding performances by those students.

I also want to recognise all St Michael's students who conducted themselves last year in year 12 because, whilst we are recognising those who achieved outstanding academic excellence, we know that all students put in the best they can, and we should also recognise their contribution, which, of course, the college has done, and I do here again today.

It is a school that encourages all those students to strive to be the best they can be, and I know that St Michael's students continue to strive to be the best that they can be. I thank St Michael's for the contribution they make to our community. I thank them for what they do for the students in producing young people who are going to be great outstanding citizens of this state, this country and this world. As we all know, the child who knows how to read and write will be capable of anything.

**The DEPUTY SPEAKER:** Hear, hear! The member for Mitchell.

### COWDREY, MR MATT

**Mr WINGARD (Mitchell) (15:46):** Thank you, Deputy Speaker. I rise today to speak about the outstanding career of a young South Australian, Matt Cowdrey. Matt is Australia's most successful Paralympian. He swims with the Marion Swimming Club and, at 26 years of age, he has just announced his retirement, on 10 February. Matt has won the most gold medals (13) and a total

of 23 medals at the Paralympics, the most medals by any Australian. He also holds five world records, five Paralympic records and nine shortcourse world records, as well as 21 medals at three world championships, including 16 gold—an absolutely outstanding career in any measure.

Cowdrey began swimming at the age of five and broke his first world record at the age of 13, if you can believe it. He made an instant impact at Paralympic competition, winning three gold medals, two silvers and two bronze at the Athens games back in 2004. Matt Cowdrey received a medal in the Order of Australia (OAM) for his achievements in Athens. He went on to win two gold medals at the Melbourne Commonwealth Games in 2006, but it was the Beijing Paralympics, two years later, where he really made his mark.

The South Australian set five world records in a brilliant swim meet, where he won three individual gold and was part of two gold medal relays for Australia. On the back of his performance, Cowdrey was chosen to carry the Australian flag in the Beijing closing ceremony. He won another gold medal in Delhi in 2010 at the Commonwealth Games there, before making history at the London Paralympics. Cowdrey produced another haul, this time of five gold, to give him 13 gold medals for his career. The great thing about this story is that his parents had supported, as you would imagine, through countless years of getting up early in the morning—and we know swim stars start very early in the morning to get their swimming training done.

His parents, Peter and Vivienne, worked so hard to help him through his career. It was not until his very last race at the London Aquatic Centre, four minutes before he was about to dive into the pool for what turned out to be his last Paralympics, that his parents arrived on the pool deck. That is right: his sponsors managed to fly them over, and they got to witness him race for the first time, and it was when he took out his fifth gold medal and, as I have said, it was the 100-metre freestyle at the London Paralympics. It was a great achievement for Matt and a great reward for his parents for all the hard work they had done throughout that time.

That gold medal sent Matt past track sprint star Tim Sullivan for the most Paralympic titles by an Australian. His 23 career medals also surpassed fellow swimmer Kingsley Bugarin. I should remember that name; I did report on Kingsley back in the day when I was a sports journalist. He was an outstanding athlete as well, but Matt surpassed him with his achievement there, and his 23 career medals were the most by any Australian, which is absolutely superb.

I would also like to commend the swim coach of Matt Cowdrey who did a marvellous job throughout his career. Peter Bishop has been a great swim coach not only at the South Australian level but right across the country. He has been an Olympic coach and has coached a number of other big names, both at the Norwood Swimming Club and also now at the Marion Swimming Club. It probably is remiss of me not to mention Matt Cowdrey's swimming colleagues as well; those who get up early in the morning for the very early morning starts and helped push him through what has been an outstanding career.

Fittingly, though, the legacy that Matt leaves will be remembered forever in his naming. It happened in September 2012, in the competition pool at the State Aquatic Centre. Matt's name was blasted over the top of that pool and it is now named in his honour. It is right alongside my electorate office so that when I go training I can see the wonderful work that he has done and the legacy that he has left. I really appreciate the great work he has done and the recognition left on behalf of, as I said, one of South Australia's most outstanding athletes. I must again commend the great effort that he has put into his career. I wish him all the best in his future life because I know he is going to do more wonderful things for the state of South Australia.

We have talked today about people who have helped out with the CFS. I would like to mention Joe Nehme and his great team who have done some wonderful work in raising funds for the CFS Foundation. They put on a fundraiser off their own bat after the great work of the CFS and have donated more than \$10,000 (I think closer to \$11,000) to the CFS Foundation for the great CFS volunteers who helped out during the bushfires earlier this year. I would like to commend Joe, his family and his company Nehco for the great work they have done. Thank you.

## BOYSTOWN

**Mr GEE (Napier) (15:51):** I rise today to speak about a community organisation that is doing some fantastic work in my electorate to get people into homes and others into the workforce. I will also speak about the opening of a new pharmacy by a passionate community member.

BoysTown is a not-for-profit organisation that has completed great work across the nation, empowering young people through the provision of employment, training and support programs. BoysTown has completed successful projects in Port Pirie in South Australia and throughout the northern suburbs. BoysTown strives to:

- advocate on behalf of and to support disadvantaged young people through education, counselling, peer support and preparation for employment;
- develop programs for the improvement of the everyday lives of young people;
- provide social welfare services to children, young people and their families experiencing social and economic disadvantage; and
- relieve poverty, sickness, suffering, distress, misfortune or helplessness in the community.

Minister Bettison and I attended a ceremony to celebrate the completion of a home that young people from BoysTown had built in Munno Para last week. It was a family home in a normal suburban street but for a group of young men it was so much more. It was the culmination of months of learning, sweat and hard work. It was about giving young people a go to learn a trade and to improve their employment opportunities.

John, who has just finished his apprenticeship in carpentry by working with BoysTown for four years, gave me a tour of the home. John spoke about his pride for the work and his goals for the future, including looking to continue to learn while getting a full-time job in the industry. I spoke with a young chap named Chris who is looking for a painting apprenticeship, and Richard who is looking to get into civil construction. Both were very proud of their work on the new home, as was Josh who is looking for a start in hospitality.

I am going to keep in touch with these guys and see where the future takes them. It should be a bright future with 73 per cent of young people employed with BoysTown obtaining an ongoing job or going onto vocational training or education. This is not just good for the community but is life changing for these young people.

BoysTown is a great organisation that provides skills for young people in construction and landscape services, property maintenance, green enterprises, cabinetmaking and hospitality, as well as running the essential Kids Helpline.

I am sure this home, which is on the market, will be purchased very soon as Munno Para, like the whole north, is a great place for young people to invest in their families' future. It has good schools, lots of open space, quality health care and good facilities, and is just a short train ride from Adelaide. The north is becoming a place of choice for people to live, not a place where people are forced to live.

I am now going to talk about Zac Gadalla. Zac has been the local pharmacist in the Barossa for the last eight years, with pharmacies at Williamstown, Lyndoch and Gawler. About two years ago Zac approached UniHealth Playford, a medical and training centre run by the University of Adelaide, about opening a pharmacy at their medical centre in Munno Para. After two failed attempts and battling the federal government, the pharmacy opened in November last year.

The pharmacy was officially opened last week by federal member for Wakefield Nick Champion MP and is a welcome addition to the clinic, which would be one of the busiest in the north. When the medical practice opened there was one doctor in the local area and no local pharmacy. There was next to no housing at all in the new area of Munno Para. There are now over 1,000 homes, two schools, a service station, a gym, a vet, and food retailing outlets. A new shopping centre and town park will be completed by year's end, and so it is a very exciting time to be living in this electorate.

The UniHealth centre now has eight doctors, six nurses, three psychologists, and 11 other allied health professionals and sees about 50,000 visits per year. The addition of the pharmacy allows patients to see their doctors or a range of other allied health professionals, then attend the on-site pharmacy before returning home rather than making another trip to a pharmacy elsewhere. I thank Zac for the confidence that he has shown to invest in my electorate and provide critical services for an ever-growing area.

### *Bills*

## **CRIMINAL ASSETS CONFISCATION (PRESCRIBED DRUG OFFENDERS) AMENDMENT BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 25 February 2015.)

**Mr GARDNER (Morialta) (15:57):** There is no doubt that the scourge of illicit drugs in our community is one that behoves the government, and indeed all of us, to develop policies, work on policies, and work on legislation that is going to complement the efforts of police, law enforcement, the criminal justice sector, and all of the drug rehabilitation and prevention agencies, organisations and departments in our community to try to combat this scourge. That goes without saying.

This is a bill that has been introduced on a number of occasions by the Attorney-General over several years and claims that as its goal but its methodology, I would identify, has had some problems over the years. It has had constitutional questions raised. The case in the High Court has dealt with some of these matters, and I direct the casual reader of *Hansard* to the contribution made yesterday by the member for Bragg in which she dealt with some of these matters.

For my part, I have long spoken in this house, and prior to coming into parliament, about some of the effective approaches for dealing with drugs, and I think that it is worth noting that under the Howard government, for example, the national Tough on Drugs campaign saw from 1998 to 2007 an extraordinary decline in drug use across Australia. The Australian Institute of Health and Welfare's national household surveys saw unprecedented drops: heroin use in Australia dropped by 300 per cent from 0.8 per cent of the population to 0.2 per cent, cannabis use dropped, ketamine use dropped, pill use dropped, and a range of drugs dropped. Methamphetamines were by and large stable. Ecstasy (MDMA) use dropped, although, as we have identified previously, there is not a great deal of MDMA in Australia. Most people buying ecstasy will be shocked to see the chemical composition of what they are putting into their bodies, if it was not bad enough to start with.

It is established that that campaign over 10 years—a holistic campaign, which focused on three aspects at a federal level and some at the state level—can be effective in dealing with the scourge of drugs. A holistic campaign requires a strong education campaign, such as the one that was well funded by the Howard government. It included magazines sent to every household in Australia about how to talk to kids about drugs, and it included effective advertising campaigns and probably one of the first social media campaigns that has been run in a public health fashion in Australia in 2006, and a range of other effective ways to deal with that. In education there was a very strong schools campaign.

I remember seeing a Pfizer survey in 2006 on secondary students' consideration of drug use, what they thought was acceptable. Over a similar sort of period (forgive me if I get this one year out, but it is about 1997 to 2006) secondary school students were found to have dropped in their acceptance of cannabis use as a legitimate activity from some 60 per cent down to less than half; it was in the 20 per cent range. Clearly, education has a key role. I would like to see this government do more on the range of education campaigns at the moment. In the South-East the member for Mount Gambier attended an ice forum in his electorate at which 400 people in his community were present. Clearly, there is a desire for more information, as we have much stronger methamphetamines than were ever previously available and a much higher THC content in cannabis than was ever previously the case. Clearly, there is a case for education.

The second part of the holistic approach that the Howard government took was, of course, border protection and law enforcement. We saw over that period the Australian Customs and Border

Protection Service budget increase. Of course, it was not drugs that was the driver; this was over the period of the September 11 attacks. Nevertheless, there was also in an incredible increase in the Customs budget from several hundred million dollars a year to over \$1 billion a year that included a strong payoff in tackling illegal drugs at the border. It was for that reason that in that period cocaine use in Australia was very low, because it was very hard to get cocaine into the country. Its use in Australia was in that period certainly much lower than internationally understood.

We worked very hard in our international engagement with countries like the Philippines, in particular, and others in the South-East Asian region. With India we made great progress on tackling the issue of precursor chemicals entering Australia, the sorts of things involved in creating methamphetamines. We had the national project STOP, which dealt with the use of pseudoephedrine in relation to, again, backyard chemist kits. That project—STOP—worked in with pharmacies to ensure that people had to produce their driver's licence to get pseudoephedrine-related cough medicine. It is important that at that stage we still thought that it was useful to fight colds in the winter, so pseudoephedrine was readily available, but we put a stop to somebody being able to go from pharmacy to pharmacy to pharmacy. The chemist would put their driver's licence details into the computer so that if they went to another pharmacy the second pharmacy could call the police, and by the time they got to the third pharmacy they could be arrested and told to explain themselves. That sort of progress on the prevention side was critically important.

Also at the rehabilitation side was the area in which the Howard government probably took the most profound new direction in the tough on drugs approach that any federal government had done before. There was extraordinary growth in funding to non-government organisations offering rehabilitation programs and rehabilitation options to those who were the victims, who were among the victims, that being the users, the addicts, those who had been led down this path by the malicious drug dealers who had got them hooked. The rehabilitation options that were offered through NGOs under the course of the Howard government were extraordinary. There were hundreds of millions of dollars given to community programs, through live-in residential programs, including those with comorbidity issues and with mental health and substance abuse issues that had ever been dealt with before in a major federal government program, with hundreds of millions of dollars every year by the end of it. We are talking about a \$1.6 billion program over the course of its life, and I was very pleased to be involved with that holistic approach.

We also worked through the Ministerial Council on Drug Strategy to deal with issues such as drug related paraphernalia. I remember attending in an advisory capacity a ministerial council where we were looking at the use of bongs, which I think is the usually accepted title, and their commonplace sale in shops around the country and instruction booklets on how to cook your own methamphetamines and those sorts of things. It took a national approach to deal with these issues and that was part of that holistic Liberal-led Tough on Drugs strategy.

I am pleased that for the most part all governments around Australia signed up and participated in that, but it helped that the federal government was paying for the overwhelming bulk of it. There are some things that were done well, there were some things that were done poorly, across the range of drug strategy, and one thing that we have done very poorly over a number of years in South Australia is tackling things at the low end of the scale.

Anyone who tried to cross state borders with their P-plates on in the 1980s or 1990s would no doubt have been pulled over by interstate police if they had South Australian plates because South Australia was known as the place where you could get drugs and you could export them to other states. Other states tried to get their drugs in from South Australia. We had 10 plants as the norm and you would get this expiation if you were growing 10 plants of marijuana—an extraordinary commercial capacity to make money out of 10 plants of marijuana. That was no more than a slight speeding fine in the South Australian code. That has been altered slightly but it is still 100 grams of cannabis before you get to commercial quantities. This bill in its attempt to deal with serious drug issues in South Australia does not go anywhere near that, so that is the first issue.

In relation to drug treatment and diversion, when somebody is responsible for committing a minor drug related offence, the federal government for a number of years—and, again, it was part of the Howard government's Tough on Drugs strategy—established that if you are looking at somebody who is a first time offender or a minor offender or somebody without significant likelihood of



reoffending in a broader sense, if they got the rehabilitation, they would be offered either a police diversion program or a courts diversion program.

Every state negotiated with the commonwealth government on the sort of diversion programs they would want and it was all paid for by the federal government. Over the course of that Tough on Drugs program, South Australia participated in a number of these diversion programs. However, South Australia is the only state where, rather than just diverting people once or twice or maybe three times—and you are going to try to improve their life by getting them off drugs by showing them a different path—South Australia is the only place in the country where, if somebody commits such an offence, they get unlimited lives.

In fact, the assumption is that they will be diverted even if it is their 23<sup>rd</sup> or 35<sup>th</sup> offence. Now, that sounds ridiculous but we actually have cases established by FOI—and one that has been printed in *The Advertiser*—of individuals who have continued to take the mickey out of the system to turn their backs and show the wrong face to the system by flaunting their refusal to improve their ways. When somebody has committed a minor crime of this nature once, the appropriate thing is of course for it to be diverted. We want them to get their lives on track, we do not want them clogging up the courts. If somebody does it twice or three times, then the same may be the way. They can reform their ways. If somebody is doing it 23 or 35 times, chances are they are not taking it seriously.

This is a serious failing in the South Australian legislation and, again, it is an issue that this bill does not go anywhere near. The fact of the matter is that there is a business model that actually incentivises drug dealers to go out and be able to carry a certain amount of drugs and they cannot get charged with anything more than what is comparably a minor expiation. Most motorists would be willing to grasp a \$150 or \$300 fine with glee.

Somebody whose licence has expired for one day who is still on the roads and has not got around to replacing it is going to get three times that fine, just as an expiation, to start with. When we have a situation like that it incentivises a business model for the middle-range drug dealers to go out and get new people attracted to drugs. This legislation does not go anywhere near dealing with that demand-end issue; it does not send the message that the very act of seeking to procure drugs is fostering the decrepit and disgusting criminal system that this legislation claims to seek to address.

With those comments, I am sure there will be opportunities for potential amendments to be considered by the government, and we will see where that ends up. I thank the house for its attention during my comments—during this speech, at least—today.

**Mr TARZIA (Hartley) (16:10):** I also rise today to speak on the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill, which was introduced by the Attorney earlier in February this year. As has been put to the house the bill is, in all respects, somewhat identical to the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill 2014, which collapsed due to prorogation; it was certainly a victim of that. First, I would like to talk a little bit about the intent of such a bill and what I believe are the issues that it seeks to address. I will also talk a little about the drug issue in general, and then about how the bill has been received and potential amendments to the bill.

In terms of why criminals commit crime, it is obviously for a wide range of reasons; however, it goes without saying that one of them is that they see the opportunity to profiteer from the crime involved. At its essence, I think that is why the Attorney and the government are looking to introduce such a bill. Remember Labor's 2010 serious crime election policy? It stated that it would look to target persistent, high-level drug offenders to provide for the total confiscation of the property of a declared drug trafficker as well as criminal drug dealers.

We know that at that time there were serious concerns with such legislation, firstly with regard to constitutionality. Did the legislation offend the Kable principle? That was later resolved, which was very pleasing to see. Secondly, there was an issue concerning fairness, particularly where you try to confiscate assets of certain drug offenders, virtually to the brink of bankruptcy, even if a person can prove that the assets were legally acquired. Is that a fair thing? Obviously there are also issues concerning the diversion of proceeds away from victims of crime.

In spite of threats to do so, Labor failed to make this sort of bill an issue in the 2014 election, but here we have it again. Third time lucky, I believe. I will certainly hand it to the Attorney, he has been persistent in this bill; third time at least, without any amendment, I believe. Certainly he keeps coming back; obviously he is keen and eager to get this one over the line before he is appointed to the bench.

As I have mentioned, constitutionality was an issue, and it is not the first time that a government has raised this issue. It goes without saying that the bikies legislation during the last parliament was seen to have many holes; certainly this government was a laughing stock when the bikies showed us time and time again that if you do not make laws that are constitutional they will go to the High Court and these laws will be sent back. So I am glad that the Kable principle and the concept I spoke about earlier have been clarified at least.

In terms of potential comments and concerns raised by outsiders, I did mention briefly last year, and I will touch on this again, that the Law Society has had a fair bit to say in regard to this bill. They have said to the Attorney that it is their view that this bill deprives a person of their normally acquired assets and property where there is no connection between the commission of the offence and the property.

These are certainly valid concerns and, as I pointed out, what happens to the person who has hydroponics in the roof of his mother's house or his grandmother's house where he is living, she does not know about it, there is a fire and equipment is discovered? Who is to blame? How does the bill address these sorts of concerns? I think the concerns are still there and they need to be explained and fleshed out. The Law Society notably calls the bill:

...an archaic and retrograde step that fundamentally changes our community's laws in relation to personal property.

So, there we have it—experts from the Law Society are still calling into question issues with this bill.

Another concern I have with the bill is in relation to the treatment and isolation of these certain offenders. If you are going to treat these kinds of offenders this way, what about all the other kinds of offenders, where perhaps there could be large sums of money acquired through crime? I think there should be consideration for these sorts of things.

There have been amendments discussed in the past, and I will probably leave that for later on, but personally I would like to see some kind of judicial review against DPP direction where it is in the interests of justice to do so. I think it is always important that we do that where required. I would also like to see some kind of guidelines, almost like the prosecutorial guidelines that are published.

I still have real concerns about the proceeds of confiscation. I reiterate to the house that the proceeds of confiscation should not go to the government, they should not go into general revenue, and they should not be propping up an ailing state budget, just as we have seen other bodies propping up an ailing state budget. I would have thought that they should largely be paid into the Victims of Crime Fund to seek redress, to go back to actually preventing crime and also the victims of crime.

I would also like to see part of the proceeds going into drug rehabilitation. You and I know, Deputy Speaker, that our gaols at the moment do not do a good enough job of rehabilitating the prisoners they hold, and this is a massive issue. If we as a society could work more on rehabilitation, we would certainly save the taxpayer a lot of money, and in the long run I would have thought that if more criminals were rehabilitated through our system it would certainly be good and beneficial.

I would also like to see some kind of review in terms of the operation of the bill. I think a review of this sort of bill, especially when it has been criticised by legal eagles out there as being archaic—

*Mr Picton interjecting:*

**Mr TARZIA:** Not as good as you, member for Kaurna. You would be a legal eagle, sir, not me. I think with any kind of law that is criticised by the legal profession, it is only natural and just that we review it after a certain point in time. Is it two years? Is it three years? I would say that we should strike a balance, a balance between at least letting it go and seeing how it goes in the field, and then

still having time to correct any errors if they are there. Finally, I would also like to see some kind of annual report or report back to parliament so that we can scrutinise the level of performance so far as that goes.

With those kinds of amendments, which one of my colleagues may even purport to put to the house, I would not hesitate to support the bill, and I am sure that it will certainly be more fleshed out in the other place. All in all, I support the intent of the government and what they are trying to do here.

We all know that, unless we create adequate deterrents, some people will be drawn into a life of criminal activity. We know, unfortunately, that sometimes crime pays and, because crime pays, I think we certainly have to look at ways to cause that deterrent to prevent criminals offending, especially in these sorts of activities such as drugs. We are seeing cases overseas at the moment that are being called into question. Drugs are very bad, and they certainly—

*Ms Redmond interjecting:*

**Mr TARZIA:** Illicit drugs, thank you—and they certainly have a massive impact on our society. I support the general intent of the bill. I would support amendments like I have mentioned and, with those comments, I commend the bill to the house.

**Ms COOK (Fisher) (16:20):** I am very pleased to be speaking on this government's bill today. I am aware that this bill has come before the house a number of times prior to my election to this place, so I will try to keep my comments brief.

This bill is an incredibly important piece of legislation which tries to cripple the business dealings of those who choose to engage in drug trafficking. According to the latest National Drugs Strategy Household Survey report, close to 10 per cent of Australians have been victims of an illicit drug-related incident. The report also found that there was an increase of about 30 per cent in the number of people who were victims of a physical assault due to illicit drug use.

I am proud to be a member of a government that has always prioritised community safety and has made this central to our justice system. I know that this government first presented this plan to the community at the 2010 election campaign and the government has consistently tried to tell members of the opposition and members in the other place that the community needs this bill as a way of providing further protection from those who would do so much harm to our society. I know about this only too well.

This bill aims to attack the very worst drug offenders in our community—those who engage in the very worst kinds of drug dealing and trafficking. We are not talking about people who are running a small operation out of their backyard in order to fund their own habits or who, with a bit of support, can actually change their behaviours. We are talking about the very worst traffickers and dealers—those who commit extremely serious offences and then refuse the opportunities to rehabilitate themselves. By 'extremely serious offences', we are talking about those outlined in the Controlled Substances Act as comprising trafficking, manufacture for sale, selling or possession with an intent to sell a large commercial quantity or a commercial quantity of controlled substances or controlled plants, and the cultivation of a large commercial quantity or a commercial quantity of controlled plants.

What we understand from people who completely refuse opportunities to rehabilitate themselves is that a prison sentence is not a deterrent to change their behaviour. These offenders have had one opportunity, then a second and, finally, on their third chance, have still refused to change their behaviour. At this point, it is time to remove something they see as important and something they actually care about, that is, their accumulated wealth—wealth gained, in the main, from the pain, misery and suffering of others in our community.

Currently, the government can seize assets which have been accumulated through criminal activities, so why do we need to expand this power for the most heinous drug offenders? These people are selfish, greedy and purely driven by material gain. They are so driven by this goal that they put money above their freedom. They use money to allow them to blind themselves to the damage they create within our community. These people are experienced money launderers and experts at hiding their ill-gotten gains by making them appear as though they were legally sought.

We know this is not true, the community knows this is not true and the Director of Public Prosecutions knows that this is not true. These assets have been gained illegally.

It is important for members to note that the proceeds of confiscation will be put to good use. It is proposed that funds raised by the application of this initiative be devoted to a new fund to be called a Justice Resources Fund. This fund will be devoted to the provision of moneys for courts' infrastructure, equipment and services. The fund will support justice programs, facilities for dealing with drug and alcohol-related crime and for the provision of justice reform initiatives.

Disbursements will not overlap with those made from, or eligible for moneys from, the existing Victims of Crime Fund for the best justice outcomes for those who have committed crimes but can be rehabilitated. There will be more funding available to fund our justice system under this bill. Less tax moneys of law-abiding citizens will need to be spent on funding our criminal justice system. Instead, it will get money from those who are costing our justice system so much.

Legislation like this is not new within Australia. Currently there is similar legislation operating within Western Australia and the Northern Territory. The legislation proposed here is a softer version of what is currently in place in Western Australia. In Western Australia the assets of serious drug offenders can then be seized, truly attacking the issue at its roots. However, nothing is left for the serious drug offenders, not even their basic household goods. The South Australian bill incorporates measures to ensure that basic needs are still met for the individuals whose assets are taken.

This legislation also does not seek to further disadvantage the families of serious drug offenders or the offenders themselves to a point where they lose all assets. It aims to take away any benefit in engaging in criminal behaviour, yet still allow the offender to retain their basic household property, so their families are able to continue working and living with basic assets.

There is an opportunity for offenders who willingly cooperate with the police to help us unravel criminal organisations or larger criminal conspiracies. If offenders work with the police, there is an opportunity for them not to be pursued under these proposed laws. This provides a clear incentive for those caught engaging in serious crimes to work with the police to protect their own assets by helping us put more drug dealers and drug traffickers behind bars, making our community a safer place. This would also translate to a reduction in time and money spent on prosecutions.

I am aware that other members have raised concerns about the constitutional validity of these laws in the past. I am also aware that similar laws in the Northern Territory were brought before the High Court and their constitutional validity was upheld. Since this test has been put to the High Court, I sincerely hope that members coming to this debate do not try to hide behind any constitutional validity argument or use it to mislead members of our community.

I am very proud to be a member of a government which is using every tool at its disposal to fight those who hold no remorse for the heinous crimes that they commit against our community. It is time for us to enact real powers to be able to effectively punish those who are doing so much harm to our community and to try to bring about a safer one. For those who are concerned about the impact on those who are punished under the proposed laws, there is one simple solution: do not deliberately engage in serious drug crimes. I commend the bill to the house.

**Ms REDMOND (Heysen) (16:27):** I was fascinated to hear those comments from the member for Fisher. It sounded as though she was saying that she does not care about the fact that these things might not be constitutionally valid. That is just an observation of what that speech sounded like.

I want to make a brief contribution about the Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Bill. There is only really one issue that I want to canvass in that contribution. Essentially, I have long held the view that we should take the assets of people, not just the assets from the actual proceeds of crime, which was the original law that came in, that the proceeds of crime could be confiscated, but their other assets could not necessarily. Of course, even determining what assets were proceeds of crime and what were not was a problem. Philosophically, I am not opposed to this bill, because it does seek to make sure that basically all of the assets are able to be taken.

My concern relates, though, to whether we can end up with some situations that might be unfair for innocent parties. In our party room (without disclosing too much of what goes on in there),

we did have a discussion about whether this bill, if it becomes law, could be used to confiscate assets where they are not held at all in the name of the offender. If the offender, for instance, lives in a house owned by mum and dad, can mum and dad's house be taken?

Obviously, that can be a complex question, because we do not want to let the offender escape the difficulty of having assets confiscated by simply transferring them into the name of mum and dad, to continue that example. But on the other hand, what if mum and dad are just an innocent older couple and he happened to be living in their house, what is the protection to stop their house from being taken as part of the criminal assets? It seems to me that the attempt of this bill is to be broad enough to do that.

That then made me apply my mind to what happens in a bankruptcy because in a bankruptcy, obviously, some people who know that they are going to go bankrupt attempt to avoid the consequences of the bankruptcy by, a sufficient time before they go bankrupt, transferring their property into the name of another person or, indeed, in one famous circumstance in Western Australia, someone went through the process of getting a divorce and, in the divorce settlement, transferred a lot of the property to the ex-wife in the divorce, and thus it was safe from seizure in another circumstance.

What I am concerned about in particular is this issue of can innocent people find that they would have their assets confiscated? To that end, I began to have a bit of a look—and I have had only a bit of a look—at the federal Bankruptcy Act provisions, in particular, section 114ABC. I am not going to read those into the record but, in essence, they deal with the effect of proceeds of crime orders; in particular, they refer to the Director of Public Prosecutions or the Australian Federal Police being able to deal with things that would be taken in a bankruptcy but come under the federal Proceeds of Crime Act 2002.

What I am concerned about is the idea that someone could have, under the provisions of this particular legislation, the circumstance where either an innocent party could directly have their property taken as a result of this act or, if you are a creditor in a bankruptcy, will your entitlement under that bankruptcy as a creditor potentially be usurped by the provisions of this legislation? It seems to me that, if you read part 2 of the bill, the amendment of the Criminal Assets Confiscation Act, there is a definition which is inserted called 'protected property'. That definition says:

*...protected property of a person means property owned by or subject to the effective control of the person that could not be taken in proceedings against the person under the laws of bankruptcy (as modified by regulations under this Act);*

I would be interested to hear the Attorney's explanation of what is the intent and purpose of those words 'as modified by regulation under this Act' and what effect all of that has on this question.

I am hoping that we do not have to go into committee for this—if the Attorney can give a sufficient explanation to me in his response—but they are the two circumstances I am concerned about. What protection is there for an innocent party who happens to own property but who could have some connection with the person whose property is to be seized—is it possible that mum and dad's house can be taken because it seems to me that that is possible under this legislation?

Secondly, is it possible that a legitimate creditor in a bankruptcy could have their legitimate claim in the bankruptcy thwarted in favour of the state taking this property and, indeed, even if it is put into the Victims of Crime Fund? The member for Bragg mentioned yesterday just how much is in that fund at the moment, and the fact is that it has more than enough to accommodate any claims that are made on it.

It seems to me that, if you are an innocent person, small business owner, or whatever it might be, who is a creditor of such a person, you should not have your entitlements in a bankruptcy overridden by this legislation. If the Attorney can satisfy me on those matters, I will not require further explanation in the committee stage. That is really all I needed to say about this particular bill.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:34):** I will just say a few things: first of all, the member for Heysen has raised some reasonably technical legal questions. They are

good questions but not ones that I think in a few moments I am in a position to be able to respond properly to, but I can indicate that between here and the other place (where I understand there will be potentially some amendments moved or whatever done in relation to this matter) I will ask—

**Ms Chapman:** Improvements made.

**The Hon. J.R. RAU:** Improvements made, yes. That is the euphemism that the Hon. Stephen Wade uses for whatever it is that he does, yes. The member for Bragg is now the shadow attorney and we are now walking towards the sunlit uplands as a result.

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** No, I am not going to go too long.

**Ms Chapman:** Don't spoil it.

**The Hon. J.R. RAU:** Alright. So, member for Heysen, I will get on to that and see if we can find an answer to that question. The fact is that the opposition has opposed this bill every time it has bobbed up for the last four or something years. Each time there has been a new absolutely drop-dead reason why they had to oppose it. I think the first time was because it was really unfair on criminals—why should one criminal get punished more than another for having committed a similar offence? The second time it was because there was a constitutional issue which was vexing everybody and, of course, that was just thrown up like chaff or confetti to try to confuse everybody. We know that the High Court in Emmerson put any doubt that there was about that being a proposition worth a minute's consideration completely out of doubt.

The third time it came up I cannot remember what it was—whether it was the dog ate the homework or whatever—but there was another reason, and today it appears that the reason is because it will impede the independence of the DPP as a primary consideration. It will not do that at all. The DPP is an independent statutory officer. The DPP will exercise his or her discretion as to whether or not and how it deals with these matters in the same way as it exercises its prosecutorial discretion in relation to other matters. That is, with respect, a bogus point; it is a non-point. The fact is that the opposition just does not like this bill and so it runs around finding different things to complain about and, as I said, that has been a moving feast.

The member for Hartley in his comments quoted from *South Park*, I believe. There is a fellow in *South Park* called Mr Mackey who is frequently heard to say, 'Drugs are bad, m'kay.'

**Ms Chapman:** Is he the one with the chainsaw?

**The Hon. J.R. RAU:** No, I do not think so. He is a teacher, I think. The Law Society, of course, does not like this but, as has been pointed out to me, one could almost paraphrase what they had to say with the great quote of Mandy Rice-Davies which is, 'They would say that, wouldn't they?'

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Yes, I know. I will get some new stuff, some new material.

**Ms Chapman:** Get some integrity stuff.

**The Hon. J.R. RAU:** Fair enough. The member for Bragg and I do not remember Mandy Rice-Davies but we remember our grandparents talking about it, don't we?

**Ms Chapman:** Grandfathers, anyway.

**The Hon. J.R. RAU:** Yes, indeed—and her friend, Christine.

**An honourable member:** We'll all just nod politely.

**The Hon. J.R. RAU:** Yes. It's actually quite a good film if anyone wants to see it; I think John Hurt was in it and played Dr Ward, if I remember correctly.

**Mr Picton:** Point of order: bring him back to the subject!

**The Hon. J.R. RAU:** I am sorry. The DPP is completely independent. On the other point about the fund, I just want to make these points: first, I do not think there is any reasonable call for

putting more money into the Victims of Crime Fund, given how that fund is sitting presently. It is quite a robust fund, I think you could say. The second point I want to make is that the range of activities that this legislation enables to be funded from this fund includes, importantly—and I refer to clause 22 of the bill which inserts what would become section 209A of the legislation and new subsection (5)—and I quote:

...for the provision of programs and facilities within the justice system for dealing with drug and alcohol related crime;

So it is there and I am not saying for a moment that there is not an important bit of work to be done in that space, I just do not want this to be prescriptive about what percentage of this fund, which will accumulate irregularly depending on convictions, needs to be dispersed, particularly in relation to drug and alcohol, because then you start getting into definitional problems. I can say, as the minister who sits most in relation to the Victims of Crime Fund, that the purposes for which that might be used are quite narrow.

**Ms Chapman:** No, they are not. We are going to build new courts with it, it says here.

**The Hon. J.R. RAU:** This one yes, but I am saying the Victims of Crime Fund is very narrow and I am saying this is deliberately broader. Can I give an example of something that this might be able to help us with?

**Ms Chapman:** A Rau building, is it?

**The Hon. J.R. RAU:** I was thinking of calling it the Chapman building, actually.

*An honourable member interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. J.R. RAU:** I say to the member for Bragg that I am actually of the view that we do have a big problem in our criminal justice system and that is actually something we are looking at presently with the rate of incarceration of people who are not necessarily a danger to other citizens and for whom the only prescription presently is incarceration in a one-size-fits-all prison system. I do not have any problem at all with really bad people who are hurting other citizens all the time being locked up in a place like that.

I do not have a problem with that, but when you have people whose real problem basically is on that borderline between medical, social and criminal, where because they are abusing a substance they are possibly burgling houses to get money, or they are a minor functionary in some drug distribution network, or they have driven a car without a licence or something of that nature, one of the things I really want to explore, and I think this would assist us, is to look at the possibility of there being some sort of—perhaps in partnership with private sector people who are interested in this business—opportunity for some sort of intermediate style of accommodation for these people. They can be bailed or they can be, if necessary, sentenced to be in this place where they have some sort of regime imposed on them, but they are not in the context of a formal prison. They can have their medical conditions managed and suchlike, but not in a prison environment. I am very keen at looking at all of those options.

My main objection to the suggestions made about the fund is that I do not want it to be too prescriptive so that worthy things in that justice reform area cannot potentially be funded or supported in some way from this fund, because I think there is something fundamentally sound about having really bad criminals give up their wealth so that we, as a community, can invest in reducing the things that cause criminal behaviour, in general terms.

With those words I think that is probably pretty well all I can say about the matter and I repeat to the member for Bragg that I am very happy to speak with her further about these matters between the houses. I would also say that, just because the former shadow attorney-general basically backed himself into a very small corner on day one on this, that does not bind the member for Bragg. The member for Bragg has a fresh set of eyes over this and all I am really asking in respect of that fund is that, from the point of view of being able to have maximum flexibility to deliver the exact types of services and support that we need to offer, or provide the appropriate facilities, or whatever it might be from this fund, it needs to be flexible. I think that is probably all I need to say at the present time.

Bill read a second time.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Housing and Urban Development, Minister for Industrial Relations, Minister for Child Protection Reform) (16:45):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT  
BILL**

*Introduction and First Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (16:45):** Obtained leave and introduced a bill for an act to amend the Rail Safety National Law (South Australia) Act 2012. Read a first time.

*Second Reading*

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning, Minister Assisting the Minister for Housing and Urban Development) (16:46):** I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2015, which provides for amendments to the *Rail Safety National Law*. The *Rail Safety National Law* (the National Law) is contained in a schedule to the *Rail Safety National Law (South Australia) Act 2012*.

The National Law commenced operation on 20 January 2013. The Office of the National Rail Safety Regulator (the *Regulator*) was established as a body corporate under the National Law, with its scope now including New South Wales, Victoria, Tasmania and the Northern Territory through legislation enacted in those jurisdictions. It is expected that the National Law will also be operating in Western Australia by May 2015.

During its first year of operation, the Regulator has successfully discharged its obligations under the National Law facilitating the safe operation of rail transport in Australia, including by providing a scheme for national accreditation of rail transport operators and promoting the provision of advice, information, education and training for safe railway operations.

After making an outstanding contribution to the work of the Regulator in its early years, the inaugural Chief Executive Officer, Mr Rob Andrews, resigned and returned to England. He has been replaced by Susan McCarry, formerly the Deputy Director-General, Policy, Planning and Investment in the Department of Transport of Western Australia. Her experience in the rail industry and her expertise in government policy and regulatory reform processes will be of great benefit to the Regulator as it moves forward and matures.

Since the National Law's commencement, the need for minor amendments has been identified. These minor amendments will improve the Law's operation by:

- removing a phrase from section 12 of the Rail Safety National Law (South Australia) Act, to ensure consistency in drafting style. This amendment has no substantive effect, relates only to the South Australian application provisions and does not amend the National Law itself;
- substituting the word 'cancel' for 'revoke' throughout the National Law to ensure consistent terminology;
- removing the requirement that before requiring a person to appear in person to provide evidence or documents, the Regulator must first take all reasonable steps to obtain information of which the person has knowledge in the form of a written statement or by production of documents;
- giving the Regulator an express power to suspend the accreditation of a rail transport operator for not paying its annual fee. The Regulator already has the power to suspend accreditation for a failure to pay an annual fee under existing broad powers in the National Law. An amending provision that expressly provides for the power to suspend is preferable because it is widely accepted that the most suitable response to a failure to pay an annual fee would be a suspension of that rail transport operator's



accreditation. The amending provision gives the Regulator discretion to suspend the accreditation until payment of the late annual fee and to withdraw a suspension if an instalment plan for payment of the fee is made or for some other reasonable cause. Prior to suspending accreditation, the Regulator must notify the rail transport operator in writing of the intention to suspend. The Regulator's existing broad power to suspend, revoke, vary or impose conditions on accreditation will remain, in order to allow the Regulator to appropriately respond to other contraventions of the National Law;

- inserting an express requirement for rail infrastructure managers of registered private sidings to provide an annual activity statement to the Regulator. The requirement will allow the Regulator to better monitor the operational risk of registered private sidings. The maximum penalty for failing to submit a statement in accordance with the new requirement will be \$5,000 for an individual and \$25,000 for a body corporate. The new provision will also become an infringement penalty provision, attracting an infringement penalty of \$1,000. The penalties for the new provision are the same as those imposed for rail transport operators failing to submit a safety performance report;
- inserting a note at the foot of section 128(1) of the National Law to point out that, in some participating jurisdictions, provision is made that a positive breath sample from a person will be taken to indicate a concentration of alcohol in the person's blood for the purposes of the National Law. The note is considered necessary to explain that, while the National Law refers only to blood samples in the offence provision of section 128, the application laws of some jurisdictions provide that a reference to 'blood' is to be taken to include a reference to 'breath';
- substituting the word 'rail infrastructure' for 'structure' to fix a typographical error in section 145 of the National Law. A rail safety officer has the power to enter or open rail infrastructure to examine the structure. To be consistent with the drafting of the rest of the paragraph of the section, the full term 'rail infrastructure' should be used in both cases;
- creating a new power that enables a rail safety officer to direct a person to produce documents. Currently, rail safety officers are only able to require production of documents when they are on railway premises. This inhibits their ability to perform their functions and oversee the safety management of railway premises. The maximum penalty for the new offence associated with failing to comply with a direction to produce a document without reasonable excuse will be a \$5,000 fine; and
- inserting a power to allow the Regulator to waive or refund the whole or part of the fee to a person who applies for an exemption from provisions of the National Law. This power will provide consistency with the other powers of the Regulator to waive fees for accreditation and registration. The current fee for applying for an exemption is \$1,000. This is the same as the fee for applying for registration and may be a significant cost for a smaller tourist and heritage rail transport operator.

The Bill has the support of major stakeholders, including industry associations and the Rail, Tram and Bus Union.

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 *Rail Safety National Law (South Australia) Act 2012*

###### 4—Amendment of section 12—Conduct of preliminary breath test or breath analysis

This amendment deletes certain words in section 12(1) to ensure consistency in style with section 13 and is not substantive.

##### Part 3—Amendment of *Rail Safety National Law*

###### 5—Amendment of section 4—Interpretation

This clause amends the definitions of *accredited person* and *registered person* in section 4 to ensure consistency of terminology with other provisions of the Law and is not substantive.

###### 6—Amendment of section 20—Power of Regulator to obtain information

This clause deletes subsection (4) to remove the requirement that before requiring a person to appear in person to provide evidence or documents, the Regulator must first take all reasonable steps to obtain information of which the person has knowledge in the form of a written statement or by production of documents.

7—Amendment of section 72—Regulator may make changes to conditions or restrictions

This clause amends section 72 to ensure consistency of terminology with other provisions of the Law and is not substantive.

8—Amendment of heading to Part 3, Division 4, Subdivision 4

This amendment is consequential.

9—Amendment of section 73—Cancellation or suspension of accreditation

These amendments to section 73 are to ensure consistency of terminology with other provisions of the Law and are not substantive.

10—Amendment of section 76—Annual fees

Section 76 of the National Law provides for the payment of the annual fee either as a lump sum or by instalments under an agreement. This amendment provides the Regulator with an ability to suspend the accreditation of a person for failing to pay the annual fee as so required. Before doing so, the Regulator must give the accredited person notice of his or her intention and give the person the opportunity to pay the outstanding fee (or instalment) or to negotiate (or re-negotiate) an agreement for payment. The Registrar also has the power to withdraw a suspension.

11—Amendment of section 91—Regulator may make changes to conditions or restrictions

This clause amends section 91 to ensure consistency of terminology with other provisions of the Law and is not substantive.

12—Amendment of heading to Part 3, Division 5, Subdivision 4

This amendment is consequential.

13—Amendment of section 92—Cancellation or suspension of registration

These amendments to section 92 are to ensure consistency of terminology with other provisions of the Law and are not substantive.

14—Insertion of section 96A

This clause inserts new section 96A.

96A—Annual activity statements

This provision requires that a rail infrastructure manager must provide the Regulator with an annual activity statement about the manager's railway operations carried out in a private siding that comes under section 83 of the Act. The statement must comply with the national regulations and must contain a description of the railway operations carried on in the siding, details of any changes to the railway operations, rolling stock or rail infrastructure and a description of risk management processes that apply to the siding. The report is to relate to the financial year or such other period agreed with the Regulator.

15—Amendment of section 128—Offence relating to prescribed concentration of alcohol or prescribed drug

Section 128 of the Act makes it an offence for a rail safety worker to carry out rail safety work while there is a prescribed concentration of alcohol in his or her blood. This clause inserts a note at the foot of section 128(1) of the Act to indicate that in some jurisdictions, a concentration of alcohol in a sample of a person's breath will be taken to indicate a concentration of alcohol in a person's blood.

16—Amendment of section 145—General powers on entry

This clause corrects the reference to 'structure' to refer instead to 'rail infrastructure'.

17—Insertion of section 168A

This provision inserts new section 168A

168A—Power to direct production of documents

This clause provides a rail safety officer with the ability to direct a person to make certain documents available for inspection or production. If a rail safety officer gives such a direction he or she must warn the person that it is an offence not to comply without a reasonable excuse. In an offence under this clause, the accused will have the burden of showing they had a reasonable excuse not to comply with the direction.

18—Amendment of section 203—Ministerial exemptions

This clause amends section 203 to ensure consistency of terminology with other provisions of the Law and is not substantive.

19—Amendment of section 212—Regulator may make changes to conditions or restrictions

This clause amends section 212 to ensure consistency of terminology with other provisions of the Law and is not substantive.

20—Amendment of heading to Part 6, Division 2, Subdivision 4

This amendment is consequential.

21—Amendment of section 213—Cancellation or suspension of an exemption

These amendments to section 213 are to ensure consistency of terminology with other provisions of the Law and are not substantive.

22—Insertion of Part 6, Division 2, Subdivision 6

This clause inserts new section 214A.

Subdivision 6—Waiver of fees

214A—Waiver of fees

This provision provides that the Regulator may waive or refund the whole or part of any fee that is payable in relation to an application by a rail transport operator for an exemption from certain provisions of the Law granted by the Regulator.

23—Amendment of section 215—Reviewable decisions

These amendments to section 215 are to ensure consistency of terminology with other provisions of the Law and are not substantive.

24—Amendment of section 233—Meaning of infringement penalty provision

This amendment inserts a reference to section 96A in the table listing the provisions of the Law to which an infringement penalty applies and is consequential on clause 14 of this measure.

25—Amendment of section 249—Approved codes of practice

These amendments to section 249 are to ensure consistency of terminology with other provisions of the Law and are not substantive.

Debate adjourned on motion of Ms Chapman.

## **PARLIAMENTARY COMMITTEES (ELECTORAL LAWS AND PRACTICES COMMITTEE) AMENDMENT BILL**

### *Final Stages*

Consideration in committee of the Legislative Council's amendments.

(Continued from 11 February 2015.)

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

That the Legislative Council's amendments be disagreed to.

I just want to make some general comments. Basically, we are not accepting the amendments, and I just wanted to briefly put on the record why. I think the member for Bragg and I are of the understanding that we will deal with this reasonably quickly and it can go back elsewhere. Following the 2014 election, the opposition argued that the electoral system in South Australia was unfair because, despite winning the majority of the two PP vote, the Labor Party was able to form government.

This bill was introduced in the House of Assembly in June 2014. It amends the Parliamentary Committees Act to establish the electoral laws and practices committee. This would be a standing committee of the parliament. The government intends this committee to be a non-partisan parliamentary committee that will inquire into and report on matters relating to electoral laws and practices. The committee will be non-partisan and consist of an equal number of members of both houses. This approach endeavours to ensure that the work undertaken by the committee exceeds political interests.

Having passed the House of Assembly, the bill was introduced in the Legislative Council on 6 August last year. The Hon. Mark Parnell moved a series of amendments so as to remove the entitlements of members of the committee to additional remuneration. These were supported by the government. The opposition, through the Hon. Stephen Wade, also moved amendments to the bill.

All the amendments proposed by the Hon. Stephen Wade are opposed by the government. These are what he sometimes refers to as 'improvements'.

Those amendments are basically as follows: an amendment so that a minister of the Crown is not eligible for appointment to the committee nor the Parliamentary Committee on Occupational Health and Safety. This is another sort of vendetta that is being pursued. The government opposed this and continues to do so. The amendment is probably beyond the scope of the bill in any event.

There is an amendment that the date of proclamation on which this act will come into operation will only be after a report has been prepared by a commission of inquiry established by the parliament, and this is basically piggy-backing on an announcement made by the Leader of the Opposition. As a prerequisite, this must occur before this committee can get started.

The commission of inquiry bill was negated in this house on 20 November last year. Mr Wade's amendment seeks to make the establishment of this bipartisan committee on electoral reform contingent on the findings of that partisan inquiry on the basis that that inquiry is being asked solely to look at how best to ensure the Liberal Party is able to escape the consequences of a poor strategy and campaigning.

Amendments also were moved removing the capacity of the minister to refer matters to the committee and replacing it with the ability for matters to be referred by motion of either house. The existing provisions within the committee's act allow for referral of matters to a committee by either house of parliament and, therefore, this amendment is not necessary. Further, the commonwealth Joint Standing Committee on Electoral Matters permits referral by a minister, as does, for instance, the Statutory Officers Committee in South Australia.

The absurdity of not permitting the relevant minister to refer something to this committee produces this result—that if I, as the responsible minister, wish to have the opportunity of consulting with this committee in order to fine-tune a proposal that I might be thinking of doing, I would be prohibited from doing that without receiving a motion from either house. Of course, given that I am the minister and that one of the consequences or the antecedents of my being the minister is that I am a member of the party that has control of one of the houses, why would you add the procedural step of my not just writing to the committee but having to get a resolution through here, which by reason of being the minister I could probably do, I would have thought. It seems a bit strange, but there are strange things that happen up there.

Basically, we are not happy with these amendments. We have accepted the Parnell amendment in the other place. We just want to have the thing go back up there to see whether we can have further discussions with the opposition and, in this instance, I would expect those discussions would be with the honourable member for Bragg and possibly the Leader of the Opposition. I look forward to that conversation.

**Ms CHAPMAN:** I indicate that the opposition notes the amendments made by the Legislative Council, in short making provision for no payment to be made to members of the proposed committee, excluding ministers from that role of being capable of serving on the committee and making some other amendments in respect of the resolution of either house being sufficient to identify the functions. I think that is the summary of that.

We think these are some enhancement to the process. It is fair to say that when the government first introduced this proposal through this bill, the Hon. Bob Such was a member of this house. I think it is reasonable, especially when it is directly under our attention that there is either a minority party or Independents, that obviously they need to be included in the discussion. That that situation has changed to the extent that the only two remaining Independents have now accepted commissions as ministers and, therefore, we consider consistent with the amendments in the Legislative Council that they should be ineligible.

The other more substantive offering from the Legislative Council is that the commencement of the operation of this committee should only be post a report being presented to the parliament into electoral reform to deal with the whole question of fairness and the necessary recognition that the majority of the statewide vote should be reflected in a capacity to form government.

It is already in the constitution but it clearly has not worked. In that regard, giving it that recognition, it appears to be a significant stumbling block between both the major parties. However, I note that the Attorney has extended the olive leaf to have a discussion about how we might best deal with the future investigation and orderly management of discussion in respect of appropriate electoral reform on an ongoing basis, so that we can ensure that this parliament functions well and that the government within it is fairly elected each four years (eight years in the other place).

What I do not want to see is if we are going to get into issues about constitutional reform as to how the parliament operates, including dealing with that rather pesky little section 10 of the constitution—which, from the Australian Labor Party's point of view, is not one they are comfortable with—which protects the equal power of each of the two houses of the parliament in a bicameral system. Obviously the ALP has some difficulty with that. If we are going to get into electoral reform and dealing with constitutional reform in this committee process it is going to get very complicated.

In any event, I hear what the Attorney is saying, and we are prepared to sit down and talk about how this can best progress because what has happened, while we have been discussing this process, is that alongside this has been debate on the question of having a fairness inquiry. That has been dismissed. It was an offering from our side of the house and was rejected by the government. Prior to that we had an upper house inquiry established that is now underway, and chaired by the Hon. Robert Brokenshire. Unfortunately, that has been boycotted by the Australian Labor Party members who were nominated and elected; they do not go along to that, so that is going along on its own.

More recently we had a motion presented to the parliament by the Premier, now wanting to get into what he considers the important issues arising out of the last two by-elections. So it seems that he is not even in line with what the Attorney-General is willing to do, and that is to establish a joint house committee, a standing committee, that can operate in an orderly fashion to look at reform in these areas. It seems the Premier is a bit of a cowboy over here on his own little jaunt.

We have the other house going along, without full representation of all the relevant parties, doing its bit. Our position has been crushed by the use of the numbers from the government, and we have this proposal of the government which we say—our position being unsurprising—has had some helpful amendments to the government's structure. However, we will work to it. I conclude my remarks.

Motion carried.

*Sitting extended beyond 17:00 on motion of Hon. J. R. Rau.*

## **JURIES (PREJUDICIAL PUBLICITY) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 11 February 2015.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:00):** I rise to speak on the Juries (Prejudicial Publicity) Amendment Bill 2015 and indicate that the opposition will be opposing this bill. This bill was introduced by the Attorney-General on 11 February this year and it is in exactly the same terms that were outlined in the bill in 2014, introduced late last year and lapsing as a result of the parliament being prorogued.

At the time the government considered that it was necessary to progress legislation in this form to deal with the potential ill surrounding the possibility of an application for stay of proceedings in a particular case which they felt may arise, although no indication had been made at the time that an application would be made. There was some remote possibility that it could and, therefore, the government should act to introduce this legislation.

That is a case which, at the time, was known publicly as the Families SA carer case. There were charges of multiple counts of unlawful sexual intercourse and child exploitation and, subsequently, the accused's name was released. That was a Mr Shannon McCool, and he pleaded guilty to some of those charges, together with others which were laid in between.

That occurred on 19 December 2014. So the case in question, which I will refer to in a moment, was alive at the time charges had been laid, and what was known at that stage was that an employee of a government department was being charged with crimes against children—allegedly children under his care—whilst he undertook his duties on behalf of a government department.

What was further known is that that particular case was the subject of ongoing investigation and, in particular, the rather arduous task of the police having to go through, apparently, thousands of photographs, and this was going to take years of scrutiny as part of, potentially, further charges. I mention that because these are the things that were known at the time and, in particular, the thing that was known at the time was that it was going to be potentially years, if a plea of not guilty was entered and continued, before a trial would have been heard.

Let's just look at what the bill proposes to do. It amends the Juries Act 1927. This is legislation which sets out the rules that are to apply to the empanelling and selection of juries, nomination of them, and all of the rules surrounding how juries are to operate in South Australia. In South Australia we do not have jury trials for civil cases but we do have them for serious criminal cases so we have a set of rules surrounding them and there is a whole lot of law that sits underneath that relating to the procedure to operate during challenges to membership of juries, etc., and I do not need to go into those today.

Section 7 of that act sets out a provision for trial by judge alone. It enables a circumstance where people can apply, in fact, to have their case heard by judge alone. They do not have to have a jury but they are entitled to have a jury, and the act sets out the statutory protection for that. However, this bill is designed to enable the court, that is, a judge in criminal trials, to order that the case be heard by a judge alone, even if the accused does not want a trial by judge alone, in a circumstance where the accused applies to stay the case on the ground that there has been prejudicial publicity sufficient to threaten a fair trial.

In short, there is currently a statutory endorsement of the century-old principle that someone has the right to have a jury determine their guilt or innocence in serious criminal matters and it overturns that if the accused comes along and says, 'We can't proceed,' or 'The court should not proceed with a trial,' because there has been such bad publicity surrounding the accused in respect of the matter that there is no way there can be a fair trial and, therefore, he or she should never go to trial. In other words, they 'get off', if I can summarise it as that, on the basis that if they cannot get a fair trial it is best not to have a trial at all and, therefore, they do not get a conclusion in the matter.

**The Hon. J.R. Rau:** That's not good.

**Ms CHAPMAN:** The Attorney interjects to say that that is not good and, if it had ever happened in this state, one might think there might be a basis on which to raise that question. However, our concern, essentially, is: do we overturn a centuries-old protection for an accused on the basis that it might happen—it has not happened before but it might happen—and it may be that someone would apply for a stay in those circumstances and be successful?

From our perspective on this side of the house, the possibility of that is extremely remote. It has not happened before in South Australia. There have certainly been applications for it and it may have been part of the consideration of a judge in stays that have been granted, but it is not something that is easily obtained. Indeed, we would say, on this side of the house, that the superior courts have set such a high threshold now in the interpretation of when these types of cases should be allowed, if ever, but in such a restricted circumstance, that it makes it near impossible to achieve.

The government is saying this is necessary given the considerable publicity and sensational headlines around certain cases. We say there is nothing new about that and that this has not threatened the provision of trials with juries—and fair trials, indeed—in the past, and there is nothing to suggest it could in the future.

We can look at some fairly notorious cases over the last 40 years, and let us consider a few of them and the headlines surrounding them. These are cases where there would be no stay of the trial as a result of the bad publicity around it. I am only going to take the ones since we have had television. There are some people in the house who can remember the pre-television days—probably the Attorney; he is that old.

Nevertheless, I think it is fair to say that, with the advent of television and with social media, the spread of publicity, of course, is much more expansive. The radio news that Maxwell Stuart has been arrested in Ceduna is a little bit different, necessarily, from today when of course there is a massive circulation of information. I do not think there is any question that with the advancement of technology, the development of television and social media it does mean that the infiltration of potentially prejudicial publicity is much greater. We do not have any issue with that, so I am not going to go back to explain what I am saying in this regard pre-television days.

I just ask members to remember the headlines that were across our newspapers and print media, bearing in mind that in those days we used to have two newspapers a day. Sadly, we do not anymore. We have a few online stories, but very limited. We had *The Advertiser* in the morning and we had *The News* in the afternoon. The Truro murders was a tragic case, of course, when in the 1970s I think in the end some seven females were found dead, and were buried in the lovely picturesque area of Truro, which is now stained; it is like the Snowtown cases, where it is now stained with this horrible history. Two people ultimately were convicted, one allegedly the principal and the other the accomplice.

*The Hon. J.R. Rau interjecting:*

**Ms CHAPMAN:** Before he was in prison?

**The Hon. J.R. Rau:** I think so.

**Ms CHAPMAN:** Perhaps the Attorney is right.

**The DEPUTY SPEAKER:** He couldn't have been in prison while he was killing himself with a car, could he?

**Ms CHAPMAN:** No, I am not sure that he had not already been charged. In any event, only one of them ended up going to prison and since has actually been released.

**The Hon. J.R. Rau:** Worrell and Miller.

**Ms CHAPMAN:** Worrell and Miller were the two parties. We have other experts here who probably remember these cases. I do not want to get into the detail, I just want to make the point that it was a very notorious case. We had incredible headlines in newspapers like, 'Mummified body was curled up like a cat'. We had grotesque pictures of detectives carrying this poor mummified body wrapped in plastic. This was in the days when pretty gruesome descriptions were in papers. Of course, we then had an almost daily diet of information about other bodies that were recovered and the searches for them.

The pictures of the accused were not very flattering, to say the least, and it had an enormous amount of publicity. I think probably the most publicised other case during the 1980s was when Mr von Einem was charged with the murder of Richard Kelvin and subsequently convicted. Surrounding that were days and days of publicity—television and newspapers—with pictures, sadly, of the deceased young man, and also pictures of Mr von Einem.

At the time there were repeated headlines in respect of the alleged involvement of Mr von Einem with the Mark Langley disappearance and murder and the Alan Barnes disappearance and murder, also gruesome murders, grizzly headlines on an almost daily basis. We then have headlines that come in by the early 1980s, 'Police hunt second man. We believe other people were involved.' This is what we read in the newspapers. The front pages: 'Charged man, 37. How the drama was broken', all the detail of what happened during the police investigation, etc. We have denials of allegations and the like.

The other one that I have had a look at is the death of the children in the Pearce family. Stuart Pearce disappeared and his children were found murdered, along with their mother. Thankfully, one of the children had been visiting neighbours next door and, as a result of not being in the house, was not a victim. Again, we had huge 'Wanted' headlines for the suspect of the killings, etc.

I do not have it in my file at the moment, but we had the Bartholomew case, which some members will remember, I am sure. Again, that was in the 1970s. In short, Clifford Bartholomew killed

nine or 10 people—his wife and I think seven or eight of his own children and a nephew who was staying over. It was in a country area and, again, we had some pretty grizzly headlines. One of the articles had a half-page photograph of Mr Bartholomew after his arrest—hardly a flattering picture, I might say. He was charged, as I have said, and subsequently convicted and then released after eight years. There were more statements and headlines at that time because, essentially, he had only spent in gaol the equivalent of about nine months for each person he had murdered. Again, incredible headlines. The whole thing was obviously a shocking tragedy for this family.

More recently, one which occurred shortly after I came into the parliament was the shooting and cold blooded murder, as it turned out, of Dr Margaret Tobin here in Adelaide. The publicity around that was very extensive—things such as 'Sydney man held over city killing', etc., and then the details surrounding it and quite a lot of detail about what happened; I think that Dr Tobin had been coming out of a lift.

Even in circumstances where there perhaps had been some initial suppression of the name of the accused person who was ultimately charged, these are grizzly headlines, full of detail that would clearly be potentially very damaging if a subsequent juror were to read them or see information on television and then be affected by it sufficient to suggest that the accused person may not get a fair trial. In some of these cases, an application had been made for a stay of the proceedings but, as I said, that was not successful.

Sadly, I think that we have about 20 murders a year in South Australia, and they come with some fairly ugly headlines. One of the more recent ones I have looked at is the tragic killing in May last year, I think, of a mother of three in Port Elliot, I think, by her former de facto partner, who then suicided. These are terrible cases. They come with shocking headlines and they are with us on a regular basis in our media diet.

My point is that at this time there has not been a situation where the government has come along to us to say, 'We've had these situations where people have got off and therefore we need to relook at the question of the legislative restriction of access to this means by which people are avoiding the law, or at least avoiding scrutiny by the trial, and we need to act on it.' We say that in all this time there not being successful applications, there not being people getting off in this situation, it is not necessary at all to ensure fair trials, simply because fair trials are not being threatened.

I just want to briefly turn to the case of Mr Shannon McCoole because that had the headlines, 'Families SA carer charged with child sex offences' and, boy, that really did attract some modern-day offence, in the sense that it was only last year. It hit the headlines in the middle of last year, in about July, with headings such as 'South Australian government worker charged with sexually abusing preschool children in residential care'. That was on 23 July and the first headline I read about that case.

Then there were details with headings about at least seven children in state care, many preschool, being abused, allegedly, by this government employee. What I think was extraordinary and quite unprecedented was the convening of press conferences at the time by the Premier, by the then deputy chief executive of the Department for Education and Child Development and by police to give statements about the charges in that case.

Certainly, there have been plenty of situations where a commissioner or a senior investigative officer at the time of a body being found or someone being charged comes on the television screen saying, 'We're just advising the public that a suspect has now been apprehended in the X case.' It is designed to inform the public—and they are entitled to be informed—of the basic information. I think it is also to reassure them, especially in cases where there is potential predatory behaviour, apparently, of the accused and to give some reassurance to the public that the suspect has been caught.

Generally, it is to give a responsible presentation to the public via the media about the progress of the case. It has happened frequently in the past, and I think that it is a good thing. I think that it is appropriate that the police commissioner or someone at a senior level makes those statements and lets people feel a little safer, etc. All of that is important, but what happened in this case? I can tell you what happened in this case: the Premier, no less, called a press conference and came out to tell South Australians about his version of what happened in this case and what was



happening in respect of a person being charged. In his own words, he described the then alleged offences in this case as 'acts of evil'. If that is not inflammatory, if that not potentially prejudicial, I do not know what is.

The highest officer in the state, the Premier of the state, is the person who comes out and calls a press conference and describes the apparent conduct of the suspect at that stage, the person who is then arrested, as 'acts of evil'—not child sex offences but 'acts of evil'. Unsurprisingly, they then hit the headlines and they are then spread all over the publicity that is then actually being used as a basis for the Attorney to come in here and say to us that we need to change the law to strip the right of people to have a jury trial if they dare to come in and apply for a permanent stay of the hearing of their case on the basis that they cannot get a fair trial arising out of prejudicial publicity. I think it is extraordinary.

To me, this legislation tells us more about a government that is embarrassed that one of their own employees has been caught in obviously very unsatisfactory criminal behaviour towards multiple children whilst they were in the care and supervision of the government. It tells us more about the government wanting to protect themselves against there being publicity by having a big jury trial, etc., and wanting to keep a blanket over this case. That is what it tells me.

They are not worried about whether Mr McCoolle (as we now know him, having pleaded guilty on 19 December) may possibly apply for a stay. If he did, you would have to ask: who is responsible for this apparent reckless behaviour of the media putting out all these headlines that have caused prejudice to the process? Who is responsible? The number one person responsible in that case was the Premier. I think it was grossly reckless and irresponsible of him to have acted in such a manner, and then for the Attorney-General to come and ask us to pull some veil over all this by dealing with a judge-only hearing, not having the openness that goes with a jury trial as such—

**Mr Bell:** Shameful.

**Ms CHAPMAN:** —I think is not just shameful, as the member for Mount Gambier says, but also completely without foundation because of two things: first, in that case there never was an application to stay and, secondly, there was every likelihood it would be years before that case was going to come to trial in any event, so those who might have been around at the time and possibly affected by publicity in 2014 (this case was going to be heard in 2016, 2017 or 2018) would be years away from the offending prejudicial publicity.

I should add a third reason and that is, quite obviously, that since then he has pleaded guilty and the case is not even there anymore as one that might be likely to be used or, as the Attorney would probably consider, abuse the process of being able to get away with not being tried. I cannot see in any way that there is a capacity for the argument that that case should justify this occurring.

I have sought advice on whether there had been any consultation with the Law Reform Institute in South Australia for consideration of law reform, as this is clearly a major area of law reform. It appears that the institute's advice has neither been sought nor given, of course. It probably does not even know about this reform but, in any event, they have not been asked even to consider it, which I find astounding.

The best I can ascertain is that it has come as some light bulb moment of the Attorney-General's, but it is possibly that generally the government was concerned about there being too much publicity, as I say, which I think that they have perpetuated themselves around the McCoolle case and that that could backfire by a potential application. In any event, this appears to have been a light bulb idea of the Attorney's.

I also want to make the point that, whilst there have been applications made for stays, many have been rejected. Probably in the most recent years the most famous application for stay that was rejected was in the Eugene McGee case, where, subsequent to the initial fiasco surrounding that matter, there was an application by Mr McGee and his brother for a stay, and that was not granted. Clearly, the judge hearing that interim application was not satisfied that there was sufficient prejudice in the surrounding publicity.

Let's face it, everybody in this chamber would know about the Eugene McGee case even if you did not know the details of the death of the cyclist who had been run over by Mr McGee. We had

the Kapunda royal commission, we had multiple court cases, and we had headlines almost every day over months—years really. It culminated in further headlines when the government sought to deal with the disciplinary action of lawyers generally by the legislation appointing and establishing a legal practitioners' disciplinary commissioner in place of the legal practitioners' conduct process.

We have relived that issue for some years. Even in the circumstances where we were well into that sort of foray of publicity surrounding that case—the tragedy of the event, the alleged conduct of Mr McGee—all of this was out there, and with all of the laundry, dirty as it might have been, across the headlines they were not granted a stay. That tells us how high the threshold must be to be successful.

It has been suggested to me that the application in 2010 by Mr Peter Liddy, who was a former magistrate who was incarcerated as a result of being convicted of offences of sexual misconduct towards young boys. Again, there was a huge amount of publicity around the original case; but whilst he was in prison in 2010 he was charged with other sexual offences with other minors who had come forward, I think some 30-odd years or so later from the alleged offences. His counsel applied for a stay of those proceedings on four basic grounds.

One was that there had been a considerable delay since the allegations were raised. As I say, we are talking decades. Secondly, he was already in custody for life for offences against other young boys. Thirdly, there were assertions that he was in a very poor state of health. I am not sure entirely whether it was physical or mental health, but apparently medical evidence was presented that he was in a poor state of health, and questions of mental capacity were raised in that. Finally, there was the question of adverse publicity.

It is true in that case that a stay was granted, and he has not been brought to justice, so to speak, by having another trial in respect of those cold cases, as they are sometimes called, having been revived. Perhaps on its own the decades-old allegations, or perhaps on its own that he was already in custody would not have been enough. Having a quick look at that case, probably the most likely and most persuasive ground that ultimately the judge accepted to grant a stay was in respect of the health of the accused.

I do not need to go into much more detail about it but, suffice it to say, I am not satisfied that that should be held up as a case that would justify, almost in a threat to the accused, that if you apply for a stay, you are not going to get a jury or you run the risk that a court will order that you do not get a jury and that you will have to have a judge alone. I am completely not persuaded by that.

Just yesterday I received a second letter from the Attorney-General; I had received some information after having a briefing with representatives from the legal services of the Attorney-General's Department, including Mr Matthew Goode who is very helpful in assisting us as members to have an understanding of what these laws are about. We had that briefing last year but again this year when the bill was reintroduced.

I had been provided some information about provisions in Queensland on the basis that the government had said, 'This has been operating in Queensland and there is a provision there where there is a power for a court to be able to make a no jury order,' which is what they call it up there, if it considers certain circumstances—the burdensome nature, the complexity of the case, too burdensome for the jury and risks to jury members that they might be committing an offence and various other grounds.

However, it was presented to us that one of the grounds in their legislation suggested that there had been significant pre-trial publicity that may affect the jury deliberations, which is the gist of what we are talking about here, and that there had not been any reported cases. However, yesterday I received a letter from the Attorney-General which tells me that there are four cases where there had been prejudicial pre-trial publicity. Whether no jury orders were made as a result of that or for other reasons, I do not know because I have not had a chance to read those cases, but these cases were apparently unreported cases. It does not fill me with confidence.

If there had been cases where there had been no jury orders made as a result of any reason, then particularly if that is on the grounds of pre-trial prejudicial publicity, then I would be astounded if they were not reported. However, it is not to say that these might add some weight to the government's argument but it may be that they are all cases that there has been consideration of

other factors. I do not know. One of them is *R v J.M. Patel*. I might be wrong but it might be that that was the case in relation to the medical practitioner in which case I have no doubt that there are a whole lot of other issues surrounding that case relating to other than pre-trial publicity.

We have seen in that case—and this is entirely from memory now—that there had been quashing of conviction after some earlier trial and I think, from memory, some fairly strong comments made by the judiciary in respect of the action of the executive or at least some members of the executive of the federal government. That is my recollection of it but I would have to have a look at that in some detail. In any event, as it currently stands I cannot be persuaded.

I sought the advice of the Law Society, that tells me it has already presented a submission to the Attorney; indeed, it has forwarded me a copy of its submission, and I think it is fair to say that that makes it abundantly clear that the Law Society is not satisfied there is any basis for this bill. It opposes it and confirms, as we have, that it is not necessary. It has reiterated in detail that from its point of view the High Court has lifted the bar so high for accused persons applying for a permanent stay based on prejudicial pre-trial publicity that it is unlikely an application will ever succeed.

The Law Society may be right, and has probably put that more eloquently than I have in the last 10 minutes, but it considers that the loss of a right to a jury trial is just untenable in those circumstances: no identified risk, no real likelihood of their being successful, and there being a tragedy in the eyes of the public.

The other thing that the Law Society raises—and I am not entirely with it on this aspect—is the fact that, in its view, if you have these no-jury orders made in a way it almost gives carte blanche to the media to go about being even more reckless in their description of these cases. Because there is no question of prejudice, because the judge can sit there completely immune to all this material, because there is not going to be a jury that could be affected, it will be just carte blanche for anyone who wants to write stories about this before and during the hearing of the case. There may be no constraint on them to act responsibly.

I think that is probably a bit of a quantum leap. I do not think our media have a general reckless disregard; they have a code of conduct and ethics in respect of how they operate and whilst they can be criticised from time to time as a group, I think that is an unfair criticism. I think it is an unfair assumption by the Law Society that it will somehow or other open the gates for them to be able to report as they see fit, as though they have lifted the safeguard and they can run amuck.

I am not convinced of that, but the Law Society does raise another point: that is, if there has been prejudicial publicity, and that has been as result of the reckless conduct of a journalist or a provider (the television company or the editor a newspaper or the like), or indeed if a person has been making statements recklessly—like the Premier in the McCoolle case coming out and having a press conference to describe acts of evil, which, as I have already said, I think is grossly reckless and totally inappropriate, and completely unnecessary when the police can tell us what has occurred. How should it translate that the accused, through no fault of his or her own (that is, they cannot be responsible for the reckless misconduct over here of a premier or a journalist), then lose their right to a jury when they apply for a stay on the basis of loss of fair trial. I find that quite unfair; it is just unconscionable. So I think the Law Society has a point in that regard, and I think it presents a persuasive case.

Apart from just the general principle of outlining—which it made very clear to the Attorney—the removal of the right to a trial by jury could also prejudice those who are jointly charged. This is something we have raised along the way. Someone who misses out on a jury trial because they have to be jointly charged, even if the publicity is all about someone else, a co-accused and not the person about which there has not been any prejudicial material, then that other party, the co-accused, could be the victim of an order that says there is to be no jury when it has been determined for the other co-accused. In short that means, if conduct is reported in an inflammatory, potentially prejudicial way about one, then the other is going to have to wear that. Again, I find that quite unconscionable.

The other area that has been raised is where the accused does not want to have a judge alone, for whatever reason, then they are forced to have to apply for a stay and run the risk of being told, 'Okay, you are going to be stuck with the judge alone,' or you do not apply and then you have a jury trial with the consequent risk that they are prejudiced in their mind to such an extent that they

may not be able to have a fair trial. So they are really caught between a rock and a hard place as to whether they should apply.

There are situations where the accused is very reluctant to have a judge alone, and there are some cases where people are accused and they are advised to have a judge alone. It may or may not be the case there but we have had situations before where the accused may be a person, for example, of physical stature which is pretty grotesque. Some of the wisdom in those situations is that if they are a big, tall, ugly bloke and the charge relates to a young child, then perhaps a jury will not be able to look past that and dismiss from their mind that appearances are not something that should make them feel some lack of sympathy or stop them from at least making some fair assessment of the accused in their deliberations.

The assumption is that a legally trained judge who is trained to only look at the facts, etc., is going to dismiss these other things that might not put them in some favour and, therefore, they might elect to have a judge alone to try to get a fair trial. If an accused thought that the 12 men and women true, sitting on the jury, would not be able to look past someone who was manifestly and grotesquely offensive in their appearance, for whatever reason, they might ask for a judge alone.

I understand still that lawyers and sometimes police if they are charged might think, 'Well, I do not really want a jury; I would actually rather run with the judge.' Lawyers are not really liked and probably politicians, too, if they were charged, would consider trial by judge alone. Again, just the association by profession may be a basis upon which counsel would advise that accused to apply for a judge alone. That is a sacred right of the accused. We have a fine balance in our criminal system to ensure that the rules are fair and that we, as best as possible, have a criminal law system which captures the guilty and protects the innocent and not the other way around. I think largely we have it right, and the right to a fair trial and the right to a jury trial is part of that.

The other thing that the Law Society points out is the inconsistency with commonwealth law. If they are charged under commonwealth criminal codes, they have a right to a jury, and it is really hard to get out of, and we would face some very serious inconsistencies.

It certainly does raise some challenges that I do not think of itself would be sufficient for us to be persuaded in this argument. I would not be by that alone. They have developed under different systems and, thankfully, we still have the lion's share of the criminal law in the state arena and the commonwealth only has certain areas in relation to marine and some other commonwealth offences. Largely, we still have responsibility for that at the state level so the jury trial situation, of course, is very much more limited.

The requirement under commonwealth law for the accused to have a jury trial, I think, is probably distinguishable in this argument. Nevertheless, the Law Society raised it as an argument. If that is not enough, of course, the Bar Association has had a good crack at this as well, and they also support the position as I have outlined by the Law Society.

Unsurprisingly, members of the legal profession have come forward, and former judges have come forward, and raised concern about this bill and how it would actually work. It is not just the principle which we have outlined and, obviously, some have raised some similar views. I think there was one academic, a former ALP candidate, who went on radio to tell us how this has some merit—a professor at the law school—and to say this is worth having a look at. I have not heard anyone else come forward to say it is a good idea.

I am struggling to be persuaded about this light bulb moment of the Attorney's, in a circumstance where his Premier has probably breached the standard of recklessness in the case that he has quoted. There is just no-one else lining up to say that this is a good idea. The Attorney certainly has not persuaded us on this side of the house.

I will just say that I have not had any material presented to me of what the Chief Justice or the Chief Judge have had to say about this. I have already pointed out that the SA Law Reform Institute has not even heard of it. They have not been asked to have a look at this matter. It is unconvincing and it will be opposed by the opposition.

**Mr TARZIA (Hartley) (17:52):** One of the last subjects that I studied at the University of Adelaide's law school was law of evidence, and how I wish I listened a bit more during that subject.

**Ms Chapman:** Did you fail it?

**Mr TARZIA:** No, I didn't fail it. I think I got a distinction, actually, but I had good notes for it. I think it was Andrew Ligertwood who taught me. He said many things to me but I remember quite well that, whenever there is a trial and facts come before the jury, there are directions that are able to be made. Some things are able to be in and some things are able to be out.

On that note, the right to have a jury during trial must be one of the highest fundamental rights of our legal system. I did some research. I actually tried to find where trial by jury came from. The member for Light would have to agree with me on this one. Some say it is the Romans and some say it is the ancient Greeks. I think the Romans did amend it slightly and make it a bit—

*Ms Chapman interjecting:*

**Mr TARZIA:** Absolutely.

**The Hon. A. Piccolo:** We probably improved it.

**The DEPUTY SPEAKER:** Order, on topic!

**Mr TARZIA:** As the member for Light said, we probably did improve it.

**Ms Cook:** It was the Bulgarians.

**Mr TARZIA:** Bulgarians? It could even be the Bulgarians. It is obviously a concept that has been around for thousands and thousands of years and trial by jury is something I think should be protected, and that is why I certainly will be opposing this bill. It has been a longstanding tradition in the legal world, but a broad cross-section of the community, chosen at random to represent that broad cross-section, can determine whether or not a party is guilty in criminal proceedings.

**The Hon. A. Piccolo:** We have trial by judge now.

**Mr TARZIA:** We do have trial by judge, yes.

*Members interjecting:*

**Mr TARZIA:** Come on, I only have a few minutes here; I am only warming up. I will oppose the bill, with full respect to the Attorney and his hardworking staff, who have been here for some hours now this afternoon. The bill was introduced by the Attorney on 11 February this year. I believe that it is actually exactly the same as the bill that was introduced last year and lapsed when the parliament was prorogued.

As we have heard, the bill amends the Juries Act 1927, and section 7 of the act sets out particularly the provision we are talking about for trial by judge alone. The bill enables the court to order in criminal trials that the case be heard by judge alone on an application to stay the case on the ground that there has been prejudicial publicity sufficient to threaten that a fair trial occurs. I have spoken about how it is a fundamental pillar of our legal system to have the right to a jury trial. I think that should be preserved.

Apart from that, we have heard from the member for Bragg that this bill has no friends. This bill has absolutely no friends. The Law Society's criticism of the bill is scathing, and I support the Law Society in their submission. There are a number of concerns. It poses questions about the actual need for the amendment, and it poses questions about what would happen when someone loses the right to a jury trial. Apart from that, it is of particular concern that the right to a trial by jury may be lost by the manner in which the media reports a matter.

I do not wish to hold up the house's time for longer than we need to, but they are my points in summary, and I will oppose the bill on those main issues.

Debate adjourned on motion of Ms Digance.

*Parliamentary Procedure*

**CORONIAL REPORT**

**The Hon. A. PICCOLO (Light—Minister for Disabilities, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety) (17:57):** I table a response to a coronial report.

At 17:58 the house adjourned until Tuesday 17 March 2015 at 11:00.